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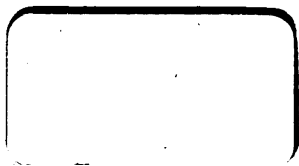
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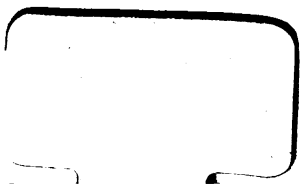
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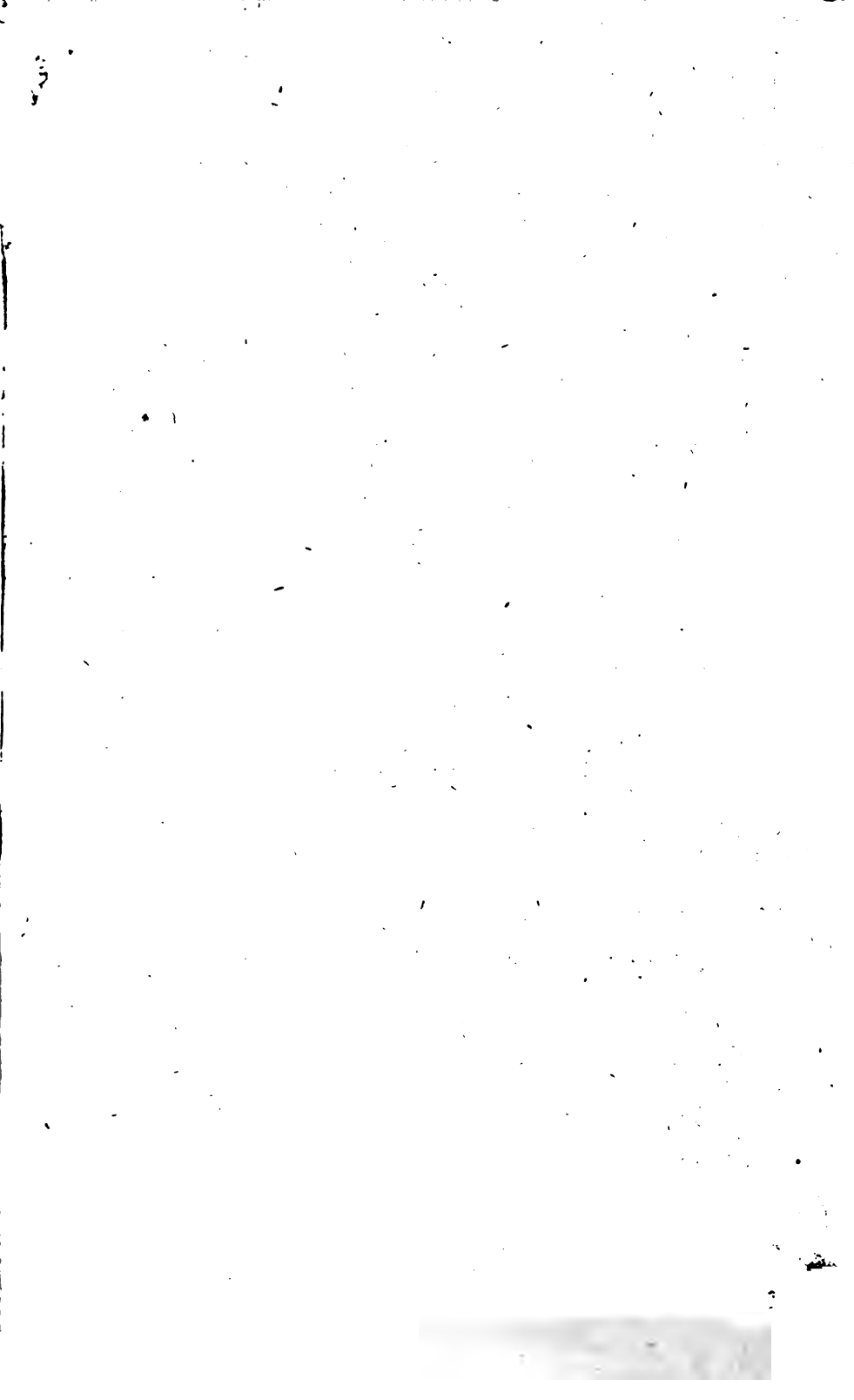
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THE
Statutes at Large,
FROM THE
First Year of Q. MARY,
TO THE
Thirty-fifth Year of Q. ELIZABETH, inclusive.

BY
DANBY PICKERING, of GRAY'S INN, Esq;

THE

CONSTITUTION OF THE

STATE OF

NEW YORK

AS

AMENDED BY THE

BY

THE LEGISLATURE

G. J. West Laws

THE
Statutes at Large,

FROM THE
First Year of Queen MARY,

TO THE
Thirty-fifth Year of Queen ELIZABETH, inclusive.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. VI.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,
Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1763.

CUM PRIVILEGIO.

BY APPOINTMENT

TO HER MAJESTY THE QUEEN

THE STATUTES IN PARLIAMENT ASSEMBLED

ENACTED

THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVEN

AND OF THE REIGN OF HER MAJESTY THE QUEEN

THE FIRST

TO BE

THE STATUTES

IN

THE

THE

TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the First Year of Queen MARY, to the Thirty-fifth of Queen ELIZABETH, both inclusive.

Anno 1 Mariæ.

Cap. 1. For repealing certain treasons, felonies, and *Præmunire*.

Private Acts.

Anno 1 Mariæ.

1. An act for the restitution in blood of the lady *Gartred Courtney*, late wife of *Henry Courtney*, late lord marquis of *Exeter*.
2. An act for the restitution in blood of Sir *Edward Courtney*, knight, earl of *Devon*.

Anno 1 Mariæ, sess. 2.

- Cap. 1. For declaring the Queen's highness to have been born in a most just and lawful matrimony; and also repealing all acts of parliament, and sentences of divorce, had and made to the contrary.
- Cap. 2. For the repeal of certain statutes made in the time of the reign of King *Edward the Sixth*.
- Cap. 3. Against offenders of preachers and other ministers in the church.
- Cap. 4. Touching writings made from the sixth day of *July* last past, and before the first day of *August* then next ensuing.
- Cap. 5. For the limitation of prescription in certain cases.
- Cap. 6. Against counterfeiting of strange coins, being current within this realm, or of the Queen's highness sign manual, signet, or privy seal, to be adjudged high treason.

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Cap. 7. Touching proclamations upon fines.

Cap. 8. That sheriffs shall not be justices of peace during that office.

Cap. 9. Touching the corporation of the physicians in *London*.

Cap. 10. For the uniting, dissolving, or new erecting of courts.

Cap. 11. For the sale of hats and caps made beyond the sea.

Cap. 12. Against unlawful and rebellious assemblies.

Cap. 13. For the continuance of certain statutes.

Cap. 14. For the continuance of a statute made for the reparation of gaols.

Cap. 15. For the re-edifying of the parish church of *Saint Elens* in *Stainegate* within the city of *York*.

Cap. 16. For the confirmation of the attainder of *John* late duke of *Northumberland*, and others.

Cap. 17. For the release of the last subsidy of the temporality.

Cap. 18. For a subsidy of tannage and poundage of divers merchandizes.

Private Acts.

Anno 1 Mariæ, sess. 2.

1. An act for the restitution in blood of Sir *Thomas Howard*, knight, otherwise called *Thomas Howard* earl of *Surry*.
2. An act for the restitution in blood of Sir *Edward Seymour*, knight, eldest son of the late duke of *Somerset*, born of the lady *Anne* his last wife.
3. An act for the incorporation of

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- the warden and scholars of *Merton* college in *Oxford*.
4. An act for the restitution in blood of the heirs of *Henry Pool*, late lord *Montagus*.
 5. An act for the restitution in blood of Sir *Marmaduke Constable*, knight.
 6. An act for the restitution in blood of *Thomas Sidhope*, esquire.
 7. An act for the restitution in blood of *Matthew Arundell*, esquire.
 8. An act for keeping the county-days in *Cardiganshire*.
 9. An act for the restitution in blood of the heirs of Sir *Miles Partridge*, knight.
 10. An act to make free denizens the wives and children of *Richard Batson*, *Thomas Brown*, and *John Bradley*, born beyond the seas.
 11. An act for the reparation of *Sherborne* cawsey.
 12. An act repealing a statute made in the fifth year of King *Edward* the Sixth, touching the approving the marriage between the marquis of *Northampton* and the lady *Elizabeth* his wife, and for the legitimation of their children.
 13. An act declaring the attainder of the duke of *Norfolk*.

Anna I Mariae, sess. 3.

- Cap. 1. For declaring that the regal power of this realm is in the Queen's majesty as fully and absolutely as ever it was in any of her most noble progenitors, Kings of this realm.
- Cap. 2. Touching the articles of the Queen's highness most noble marriage.
- Cap. 3. For the repeal of two several acts made in the seventh year of King *Edward* the Sixth, touching the dissolution of the bishoprick of *Durham*.
- Cap. 4. For the establishing of the office of the lord steward of the

- Queen's most honourable household.
- Cap. 5. For the continuance of a statute made for the repairing of *Sherborne* cawsey.
 - Cap. 6. For the repairing of a cawsey betwixt *Bristol* and *Gloucester*.
 - Cap. 7. Touching cloth-making in corporate towns and market-towns.
 - Cap. 8. Touching the buying and currying of leather.
 - Cap. 9. Touching ordinances and rules in cathedral churches and schools.
 - Cap. 10. For the repealing of a statute made for the uniting of the parish churches of *Ouger* and *Greenstead* in the county of *Essex*.
 - Cap. 11. Touching the sea-lands in *Glamorganshire*.
 - Cap. 12. For the continuation of certain statutes.

Private Acts.

Anno I Mariae, sess. 3.

1. An act for the restitution in blood of Sir *William Parr*, knight, marquis of *Northampton*.
2. An act for the assurance of the manor of *Gaywood* and *Ryving* in the county of *Norfolk*, to the earl of *Surry*.
3. An act for the ratifying of the estate of dame *Lucey Clifford* in the manor of *Burston Howghe*.

Anno I & 2 Ph. & Mar.

- Cap. 1. Touching letters patents and other writings to be signed by the Queen's majesty.
- Cap. 2. For the reformation of excess in apparel.
- Cap. 3. Against seditious words and rumours.
- Cap. 4. For the punishment of certain persons calling themselves *Egyptians*.
- Cap. 5. To restrain carrying of corn, victuals and wood over the sea.
- Cap. 6.

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- Cap. 6. For the reviving of three statutes made for the punishment of heresies.
- Cap. 7. That persons dwelling in the country shall not sell divers wares; in cities and towns corporate, by retail.
- Cap. 8. For repealing all statutes, articles and provisions made against the see apostolick of Rome, since the twentieth year of King Henry the Eighth; and also for establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.
- Cap. 9. For the punishment of traitorous words against the Queen's majesty.
- Cap. 10. That certain offences be made treasons; and also for the government of the King and Queen's majesties issues.
- Cap. 11. For the punishment of bringing in of counterfeit coin of foreign realms, being current within this realm.
- Cap. 12. For the impounding of distresses.
- Cap. 13. Touching the bailment of prisoners by justices of peace.
- Cap. 14. For the making of russet sattins, sattins reverses, and sustian of Naples, in Norwich.
- Cap. 15. To confirm the liberties of the lord marchers in Wales.
- Cap. 16. For the continuance of certain statutes.
- Cap. 17. Touching leases hereafter to be made by certain spiritual persons.
- Private Acts.*
- Anno 1 & 2 Ph. & Mar.*
1. An act repealing the attainder of the lord cardinal *Pool*.
 2. An act repealing all attainders and outlawries had or made against *Richard Pate, William Petowe, Thomas Goldwell, and others*.
 3. An act to confirm the attainder
- of Henry duke of Suffolk, John Gray, Thomas Gray, Thomas Wyatt, James Croft, Peter Carewe, Robert Dudley, Henry Isley, knights, and many others.
4. An act for the joining and annexing of the whole town or hamlet of *Bucknell* to the county of *Salop*.
-
- Anno 2 & 3 Ph. & Mar.*
- Cap. 1. For the re-edifying of castles and forts, and for the inclosing of grounds, upon the borders towards *Scotland*.
- Cap. 2. For the re-edifying of decayed houses of husbandry, and for the increase of tillage.
- Cap. 3. For keeping of milch kine, and for the breeding and rearing of calves.
- Cap. 4. For the extinguishment of the first-fruits, and touching order and disposition of the tenths of spiritual and ecclesiastical promotions, and of rectories and parsonages impropriate, remaining in the Queen's majesty's hands.
- Cap. 5. For the relief of the poor.
- Cap. 6. Against the excessive taking of the King and Queen's majesties purveyors.
- Cap. 7. Against the buying of stolen horses.
- Cap. 8. For the mending of highways.
- Cap. 9. To make void divers licences of houses, wherein unlawful games be used.
- Cap. 10. To take examination of prisoners suspected of any manslaughter or felony.
- Cap. 11. Touching weavers.
- Cap. 12. For the viewing and sealing of cloths, commonly called *Bridgewater*s.
- Cap. 13. For the inhabitants of *Hallifax*, touching the buying of wools.
- Cap. 14. For the re-edifying of four mills near to the city of *Hereford*.
- Cap. 15.

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- Cap. 15. That the purveyors shall not take victuals within five miles of *Cambridge* and *Oxford*.
- Cap. 16. Touching watermen and bargemen upon the river of *Thames*.
- Cap. 17. To take away the benefit of clergy from *Bennet Smith*, for the murder of *Rufford*.
- Cap. 18. Touching commissions of peace and gaol-delivery in towns corporate, not being counties.
- Cap. 19. Touching the powdike in *Marshland*.
- Cap. 20. For the enlarging of the duchy of *Lancaster*.
- Cap. 21. For the continuation of certain statutes.
- Cap. 22. For the confirmation of a subsidy granted by the clergy.
- Cap. 23. For a subsidy granted to the King and Queen's majesties by the temporality.
- Cap. 7. To make up the jury with *Circumstantibus*, where the King and Queen, or the Queen's majesty is a party.
- Cap. 8. For the punishment of such as shall take away maidens that be inheritors, being within the age of sixteen years, or that marry them, without the consent of their parents.
- Cap. 9. For the continuation of certain statutes.
- Cap. 10. For the confirmation of the subsidy of the clergy.
- Cap. 11. A subsidy and one fifteen granted by the temporality.

Private Acts.

Anno 4 & 5 Ph. & Mar.

1. An act for the assurance of the honour of *Rayley* to the Queen's majesty; and for assurance of divers other lands in the county of *Essex* in lieu thereof to *Richard* lord *Rich*.
2. An act for the assurance of the countess of *Suffex's* jointure.
3. An act for the restitution in blood of *Sir Ambrose Dudley* and *Sir Robert Dudley*, knights.
4. An act for the foundation of an hospital at *Stoke Puges* in the county of *Buckingham*.
5. An act for the payment of tithes in the county of *Coventry*.

Private Acts.

Anno 2 & 3 Ph. & Mar.

1. An act whereby the duke of *Norfolk*, by the advice of the lord chancellor of *England*, the earl of *Arundell*, and the bishop of *Ely*, may make sales and grants of his lands, &c. notwithstanding his minority.
2. An act whereby the heirs of *Sir Edward Nevill*, knight, are restored to the remainder of the barony of *Burgavenny*.

Anno 4 & 5 Ph. & Mar.

- Cap. 1. For the confirmation of letters patents.
- Cap. 2. For the having of horse, armour and weapon.
- Cap. 3. For the taking of musters.
- Cap. 4. That accessaries in murder and divers felonies shall not have the benefit of clergy.
- Cap. 5. Touching the making of woollen cloths.
- Cap. 6. For inquiry of the behaviour of *Frenchmen*, being denizens.

Anno 1 Elizabethæ.

- Cap. 1. For restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same.
- Cap. 2. For the uniformity of common prayer and service in the church, and the administration of the sacraments.
- Cap. 3. For recognition of the Queen's highness title to the imperial crown of this realm.
- Cap. 4. For the restitution of the first-

A TABLE of the STATUTES.

- first-fruits and tenths, and rents reserved *nomine decimæ*, and of parsonages impropriate, to the imperial crown of this realm.
- Cap. 5. Certain offences made treason.
- Cap. 6. For the explanation of the statute of seditious words and rumours.
- Cap. 7. To revive a statute made in the twenty-third year of the reign of King *Henry* the Eighth, touching the conveying of horses, geldings, and mares into *Scotland*.
- Cap. 8. Touching shoemakers and curriers.
- Cap. 9. Touching tanners, and selling of tanned leather.
- Cap. 10. That the carrying of leather, tallow or raw hides, out of the realm for merchandize, shall be felony.
- Cap. 11. For limiting the times for laying on land merchandize from beyond the seas, and touching customs for sweet wines.
- Cap. 12. Against the deceitful using of linen cloth.
- Cap. 13. For the shipping in *English* bottoms.
- Cap. 14. For the continuance of the making of woolen cloth in divers towns in the county of *Essex*.
- Cap. 15. That timber shall not be felled to make coals for the burning of iron.
- Cap. 16. To continue the act made against rebellious assemblies.
- Cap. 17. For the preservation of spawn and fry of fish.
- Cap. 18. For the continuance of certain statutes.
- Cap. 19. An act restraining bishops from making leases for above twenty-one years, and giving authority to the Queen to take certain of their temporal possessions.
- Cap. 20. A subsidy of tonnage and poundage.
- Cap. 21. A subsidy, and two tenths and tenth, granted by the temporality.
- Cap. 22. For giving authority to the Queen to make ordinances in collegiate churches and schools.

Private Acts.

Anno 1 Elizabethæ.

1. An act whereby the Queen's highness is restored in blood to the late Queen *Anne*, her Highness's mother.
2. An act for the restitution in blood of the lord *John Graye*.
3. An act for the restitution in blood of Sir *James Crofts*, knight.
4. An act for the restitution in blood of Sir *Henry Gates*, knight.
5. An act for the assurance of certain manors, lands and tenements, formerly parcel of the possessions of the bishoprick of *London*, to the lord *Wentworth*, the lord *Riche*, and the lord *Darcy*.
6. An act that *Garjome Wroth*, born in *Germany*, shall be taken and reputed the Queen's natural born subject.
7. An act that the manors, lands and tenements, which *Thomas Browne* and *George Browne* are seised of in fee-simple or fee-tail in the county of *Kent*, which are of the tenure and nature of gavelkind, shall from henceforth be clearly changed from that custom.
8. An act for the restitution in blood of *Robert Rudston*, esquire.
9. An act declaring the repeal of the attainder of the late cardinal *Poole*.
10. An act for the incorporation of *Trinity-Hall* in *Cambridge*.
11. An act for confirmation of the marriage between *Thomas* duke of *Norfolk* and the lady *Margaret*, daughter and heir of *Thomas* lord *Audley*, and for confirmation of her jointure.
12. An act for the restitution in blood of the children of *Edward Lewkenor*, esquire.
13. An act for the keeping of a mart or fair once a year in the town of

A TABLE of the STATUTES.

- rams, lambs, and other sheep alive.
- Cap. 4. To take away the benefit of clergy from certain felonious offenders.
- Cap. 5. For the avoiding of tedious suits in civil and marine causes.
- Cap. 6. Touching clothworkers, and cloths ready wrought to be shipped over the sea.
- Cap. 7. Touching drapers, cottoners and frizers, in the town of *Sbrewsbury*.
- Cap. 8. For the repeal of a branch of a statute made the thirty-second of *Henry the Eighth*, for the stature of horses.
- Cap. 9. To repeal a branch of a statute made *anno 23* of *Henry the Eighth*, touching the prices of barrels and kilderkins.
- Cap. 10. For bowyers, and the prices of bows.
- Cap. 11. For the true making of hats and caps.
- Cap. 12. For aulnegers fees in *Lancashire*, and for length, breadth, and weight of cottons, frizes and rugs.
- Cap. 13. Concerning sea-marks and mariners.
- Cap. 14. Touching transporting of tawed leather.
- Cap. 15. For preservation of grain.
- Cap. 16. That in divers counties, there shall be but one sheriff in one county.
- Cap. 17. For confirmation of a subsidy granted by the clergy.
- Cap. 18. A fifteen and tenth, and subsidy, granted by the temporalty.
- Cap. 19. The Queen's majesty's free and general pardon.
- Cap. 20. For repealing a branch of a statute made in the 26th of *Hen. 8. c. 6. s. 12.* for trial of offences in *Wales*.
- merchants for the discovery of new trades.
2. An act for confirmation of the Queen's highness letters patents made for the hospital of *Saint Bartholomew's* in *Gloucester*.
3. An act for confirmation of letters patents granted to the merchants adventurers of the city of *Brislow*.
4. An act confirming the Queen's majesty's letters patents, concerning the making of allum and copperas within this realm and other her Highness's dominions.
5. An act for the inning of *Plumsted Marsh* being surrounded.
6. An act for the assurance of the countess of *Warwick's* jointure.
7. An act for the assurance of the lady *Cobham's* jointure.
8. An act for assurance of the jointure of the lady *Mary Stafford* wife of *Edward lord Stafford*.
9. An act to make *John Stafford* a free denizen, being born beyond the seas.
10. An act to alter the nature of gavelkind in the lands of *Thomas Brown*, esquire.
11. An act for the town clerk of *York*.
12. An act for the paving of *Kentish-street* in *Southwark*.
13. An act for the making of salt within the Queen's majesty's dominions.
14. An act for keeping a market upon *Thursdays* at *Battel* in the county of *Suffex*.

Anno 13 Elizabethæ.

- Cap. 1. Certain offences made treason.
- Cap. 2. Against the bringing in, and putting in execution, of hulls and other instruments from the see of *Rome*.
- Cap. 3. Against fugitives over the sea.
- Cap. 4. That the lands, tenements, goods,

Private acts.

Anno 8 Elizabethæ.

1. An act for the incorporation of the fellowship and society of *Englisb*

A. TABLE of the STATUTES.

goods, and chattels of treasurers, receivers, tellers, &c. shall be liable to the payment of their debts.

Cap. 5. Against fraudulent deeds, gifts, alienations, &c.

Cap. 6. That the constats, and exemplifications of letters patents, shall be as good and available, as the letters patents themselves.

Cap. 7. Touching orders for bankrupts.

Cap. 8. Against usury.

Cap. 9. For the commission of sewers.

Cap. 10. Against frauds to defeat remedies for dilapidations.

Cap. 11. For the maintenance of navigation.

Cap. 12. To reform certain disorders touching ministers of the church.

Cap. 13. For the increase of tillage.

Cap. 14. For the bringing of bow-staves into the realm.

Cap. 15. That no hoye or plate shall cross the seas.

Cap. 16. The convictions of T. earl of *Westmorland*, and fifty-seven others attainted of treason, confirmed.

Cap. 17. That *Robert* earl of *Leicester* may found an hospital in *Warwick*, or *Kenelworth*, for relief of poor and impotent people.

Cap. 18. For the river *Lee*, otherwise called *Ware* river.

Cap. 19. For the making of caps.

Cap. 20. Touching leases of benefices, and other ecclesiastical livings, with cure.

Cap. 21. That Purveyors may take grain, corn, or victuals within five miles of *Cambridge* and *Oxford*, in certain cases.

Cap. 22. To continue the statute for division of shires.

Cap. 23. For paving of a street without *Aldgate*.

Cap. 24. For paving of the town of *Ipswich*.

Cap. 25. For the reviving and con-

tinuance of certain statutes.

Cap. 26. For the confirmation of a subsidy granted by the clergy.

Cap. 27. A subsidy, and two fifteens and tenths, granted by the temporality.

Cap. 28. The Queen's highness most gracious, general and free pardon.

Cap. 29. Concerning the several incorporations of the universities of *Oxford* and *Cambridge*, and the confirmation of the charters, liberties and privileges granted to either of them.

Private Acts.

Anno 13 Elizabethæ.

1. An act for making the river of *Welland* in the county of *Lincoln* navigable.

2. An act to make a free denizen *Perigrinus Bertye* born beyond the seas.

3. An act for confirmation of a statute made *anno 5 Eliz.* touching the bringing in of sweet wines into this realm by merchant strangers, to be laden and discharged at the town of *Southampton*.

4. An act for the town of *Bristow*.

5. An act that all statutes and recognizances acknowledged before the mayor of the town of *Lofwithiell* in *Cornwall* shall be of force and effectual in law.

6. An act for the assurance of certain lands to *William Skeffington*.

7. An act for *Morrice Rodney*, esquire.

8. An act for the restitution in blood of *Sir Thomas Wyatt's* children.

9. An act for the incorporation and uniting of *Weymouth* and *Melcombe Regis* in the county of *Dorset*.

10. An act for the restitution in blood of *Henry Brereton*, esquire.

11. An act for the assurance of divers manors, lands and tenements to *Henry lord Berkley*, and the lady *Katherine* his wife.

12. An act touching *John Tyrrell*, esquire.

Anno

A TABLE of the STATUTES.

Anno 14. Elizabethæ.

- Cap. 1. For the punishment of such as shall rebelliously take or detain, or conspire to take or detain, from the Queen's majesty, any of her castles, towers, fortresses, holds, &c.
- Cap. 2. Against such as shall conspire or practise the enlargement of any prisoner committed for high treason.
- Cap. 3. Against the forging and counterfeiting of foreign coin, being not current within this realm.
- Cap. 4. To revive a statute made *anno primo* of the Queen's majesty's reign, inhibiting the carrying of leather, tallow, and raw hides out of the realm.
- Cap. 5. For the punishment of vagabonds, and for the relief of the poor and impotent.
- Cap. 6. For the explanation of a statute made against fugitives over the seas, in the thirteenth year of the Queen's majesty's reign.
- Cap. 7. Against the decreets of under-collectors of the tenths and subsidies of the clergy.
- Cap. 8. For the avoiding of recoveries suffered by collusion by tenants for term of life, and such others.
- Cap. 9. That the tenant and defendant may have a *Tales de circumstantibus*, as well as the demandant or plaintiff.
- Cap. 10. To reform the excessive length of kerries.
- Cap. 11. For the continuation, explanation, perfecting, and enlarging of divers statutes.
- Cap. 12. For the repeal of a statute made *anno 8* of the Queen's majesty's reign, touching the town of *Shrewsbury*.
- Cap. 13. For the annexing of *Hrxham* and *Hexhamshire* to the county of *Northumberland*.
- Cap. 14. For the better assurance of gifts, grants, &c. made and to be made, to and for the relief of the

poor in the hospitals in and near unto the city of *London*, of *Christ's*, *Bridwell*, and *St. Thomas* the apostle.

Private Acts.

Anno 14. Elizabethæ.

1. An act for the continuance of a statute made for the joining of *Plumsted Marsh* in the county of *Kent*, being surrounded.
2. An act for the better and farther assurance of lands given to the maintenance of the free grammar school in *Tunbridge* in the county of *Kent*.
3. An act for the assurance of certain lands and tenements according to the meaning of *Sir Thomas Woodhouse*, knight, for the benefit of certain infants.

Anno 18. Elizabethæ.

- Cap. 1. Against the diminishing and impairing of the Queen's majesty's coin, and other coins lawfully current within the realm.
- Cap. 2. For confirmation, as well of all grants made to the Queen's majesty, as of letters patents made by her Majesty to others.
- Cap. 3. For setting of the poor on work, and for avoiding of idleness.
- Cap. 4. For avoiding of frauds in certain conveyances and assurances made by the late rebels in the north.
- Cap. 5. To redress disorders in common informers upon penal laws.
- Cap. 6. For the maintenance of the colleges in both the universities, and also in *Winchester* and *Eaton*.
- Cap. 7. To take away clergy from the offenders in rape and burglary; and an order for the delivery of clerks convict, without purgation.
- Cap. 8. For the appointing and authorizing of justices of assizes in the shires of *Wales*.
- Cap. 9. Against the transporting of leather,

A TABLE of the STATUTES.

- leather, tallow, and raw hides, out of the realm.
- Cap. 10. Additions unto the former acts, for the amending and repairing of highways.
- Cap. 11. For explanation of the statutes, intituled, *Against the defeating of dilapidations, and against leases to be made of spiritual promotions*, in some respects.
- Cap. 12. For the trial of *Nisi prius* in the county of *Middlesex*.
- Cap. 13. Concerning offices found within the counties palatines.
- Cap. 14. For reformation of jeofails.
- Cap. 15. For reformation of abuses in goldsmiths.
- Cap. 16. For the toleration of certain clothiers in the counties of *Wilts*, *Somerset*, and *Gloucester*, to inhabit out of towns corporate.
- Cap. 17. For the perpetual maintenance of *Rochester* bridge.
- Cap. 18. For the repairing of *Chesham* bridge.
- Cap. 19. For the paying of the city of *Gloucester*.
- Cap. 20. For the repairing and amending of the bridges and highways near unto the city of *Oxford*.
- Cap. 21. For the relief and re-edifying of the borough of *New Woodstock*, in the county of *Oxford*.
- Cap. 22. For confirmation of a subsidy granted by the clergy.
- Cap. 23. Two fifteens and tenths, and one subsidy, granted by the temporality.
- Cap. 24. The Queen's majesty's most free and general pardon.
- Private Acts.*
- Anno 18 Elizabethæ.*
1. An act for *Wigstone's* hospital at *Leicester*.
 2. An act for the hospital of *Saint Crosse* near *Winchester*.
 3. An act for payment of tythes in *Halifax* in the county of *York*.
 4. An act for the assurance of the manor of *Newhall* to *Thomas* earl of *Suffex* lord chamberlaine.
5. An act for the lord viscount *Howard* of *Byndon*, and *Henry Howard*, esquire, and *Frances* his wife.
 6. An act for the restitution in blood of *Henry Norris*, knight, lord *Norris*, of *Rycott*.
 7. An act that the lady *Jane Sibilla* wife to the lord *Grave* of *Wilton*, born beyond the sea, shall be reputed and taken the Queen's natural subject.
 8. An act for the better assurance of certain lands in *Northamptonshire* to *Christopher Hatton*, esquire, from Sir *John Spencer*.
 9. An act for selling divers lands for payment of the debts of *William Illey*, esquire.
 10. An act for the assurance of certain lands to Sir *John Rivers*, knight.
 11. An act that certain persons born beyond the seas, may be deemed and reputed as meer *English*.
 12. Another act that certain persons born beyond the seas, may be deemed and reputed as meer *English*.
 13. An act for the confirmation of an arbitrament to be made by certain persons, touching a controversy between *Richard Huddleston*, esquire, and dame *Isabell Weyman* his wife on the one part, and *Francis Weyman*, gentleman, on the other part.
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- Anno 23 Elizabethæ.*
- Cap. 1. For retaining the Queen's majesty's subjects in their due obedience.
 - Cap. 2. Against seditious words and rumours uttered against the Queen's most excellent majesty.
 - Cap. 3. For the reformation of errors in fines and recoveries.
 - Cap. 4. For fortifying of the borders towards *Scotland*.
 - Cap. 5. Touching iron-mills near unto the city of *London*, and the river of *Thames*.

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- Cap. 6. For the repairing of *Dover* haven.
- Cap. 7. For the increase of mariners, and for maintenance of the navigation.
- Cap. 8. For the true melting, making, and working of wax.
- Cap. 9. For the abolishing of certain deceitful stuff used in the dying of cloth.
- Cap. 10. For preservation of pheasants and partridges.
- Cap. 11. For the re-edifying of *Cardiff-bridge*, in the county of *Glamorgan*.
- Cap. 12. For an addition to a former act made *anno* 13. of her Majesty's reign, for the paving of a street without *Aldgate*, leading to her Highness's storehouses at the *Minories*, and other places.
- Cap. 13. For the inning of *Earish* and *Plumpstead marsh*.
- Cap. 14. A subsidy granted by the clergy.
- Cap. 15. A subsidy and two fifteens granted by the temporality.
- Cap. 16. The Queen's majesty's most gracious, general, and free pardon.
5. An act for the establishment of an agreement between *Sir Henry Nevill*, Knight, and dame *Anne Gresham*, widow, for the better performing the last will of *Sir Thomas Gresham*, knight, deceased, and for the payment of his debts.
6. An act for assurance of certain lands to *Edward Fysher*; and for assurance of a rent-charge of four score and two pounds ten shillings, and other things, to the bishop of *Coventry* and *Litchfield*.
7. An act for the restitution in blood of *Philip* earl of *Arundell*.
8. An act of pardon and restitution in blood of *John Seyntleger* and *Dudley Seyntleger*.
9. An act for the restitution in blood of *Anthony Mayne*, esquire.
10. An act for the better assurance of divers lands in *Chipping Norton*, and elsewhere in the county of *Oxford*, being parcel of the inheritance of the lord *Marney*, to *Henry* lord *Compton*.
11. An act ratifying a decree and an award in the chancery, touching certain copyholders and customary tenants of the manors of *More Newnam*, *Lyndriche*, *Knighton* and *Pensocks*, in the county of *Worcester*.

Private Acts.

Anno 23 *Elizabethæ*.

1. An act for the partition of certain lands between the coheirs of the lord *Latymer*.
2. An act for the re-edifying of the town of *Cringleford* near the city of *Norwich*.
3. An act for the denization of *Walter Coppinger* and *Suzan Coppinger*, *Hugh* and *Simon Bourgeon*, *William Watson*, and *James*, *Richard*, *Francis*, *Mary*, *Margarett*, *Abigall*, and *Gertrude Holmes*, *Thomas Harman*, *Giles*, *John*, *Richard*, and *Katherine Hughes*, and divers others.
4. An act for the perfecting of assurances of certain lands given for the maintenance of a free grammar school within the city of *Coventry*.
12. An act that gavelkind lands within the city of *Exeter* may be inheritable, as lands at the common law.
13. An act for ratification of an award made between *William Hide* of the one part, and *William Darrell* of the other part.
14. An act concerning the hospital of *Ledburye* in the county of *Hereford*.
15. An order for reversing of a judgment against *Richard Herbert*, *Joseph Aubrey*, and others.

Anno 27 *Elizabethæ*.

- Cap. 1. For provision to be made for the surety of the Queen's majesty's most

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- most royal person, and the continuance of the realm in peace.
- Cap. 2. Against jesuits, seminary priests, and such other like disobedient persons.
- Cap. 3. For explanation of the statute made *anno* 13 of the Queen's majesty's reign, intituled, *An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.*
- Cap. 4. Against covenous and fraudulent conveyances.
- Cap. 5. For the expedition of justice in cases of demurrers and pleadings.
- Cap. 6. For the returning of sufficient jurors, and for the better expedition of trials.
- Cap. 7. For the levying of issues lost by jurors.
- Cap. 8. For redress of erroneous judgments in the court, commonly called, the King's bench.
- Cap. 9. For reformation of errors in fines and recoveries, in the twelve shires of *Wales*, town and county of *Haverford-West*, with the counties palatine.
- Cap. 10. For the continuance of a former statute, intituled, *An act to redress disorders in common informers upon penal statutes*, made in the eighteenth year of the Queen's majesty's reign.
- Cap. 11. For the reviving, continuance, explanation, and perfecting of divers statutes.
- Cap. 12. For the swearing of undersheriffs, and other under-officers and ministers.
- Cap. 13. For the following of hue and cry.
- Cap. 14. For the reviving of a former statute, for the true making of malt.
- Cap. 15. For the bringing in of staple-fish and herrings into this realm.
- Cap. 16. Touching artificers using the cutting of leather.
- Cap. 17. Touching the breadth of white-woolen cloths, made in the counties of *Somerset*, *Wiltshire*, *Gloucester*, and *Oxon*, &c.
- Cap. 18. Concerning making of woolen cloths in the counties of *Devon* and *Cornwall*, called Plain white straights, and Pinned white straights.
- Cap. 19. For the preservation of timber in the wilds of the counties of *Suffex*, *Surry* and *Kent*, and for the amendment of highways decayed by carriage to and from iron mills there.
- Cap. 20. For the preservation of the haven at *Plymouth*.
- Cap. 21. For the preservation of *Oxford* haven.
- Cap. 22. For bringing of the haven of the city of *Chichester*, by a new cut chanel, to the suburbs of the same city.
- Cap. 23. For cloth-making in the towns of *Boxstead* and *Langham* in the county of *Essex*.
- Cap. 24. For the keeping of the sea-banks and sea-works in the county of *Norfolk*.
- Cap. 25. For explanation of the statute for the maintenance of *Rochester* bridge.
- Cap. 26. For explaining of the statute for the amending of the highways between *Middleton* and the *King's Ferry*, leading into the isle of *Sheppey*, in the county of *Kent*.
- Cap. 27. For the inning of *Earith*, and *Plumpstead Marsh*.
- Cap. 28. For one subsidy granted by the clergy.
- Cap. 29. For one subsidy, and two fifteens and tenths granted by the temporality.
- Cap. 30. For the Queen's majesty's most gracious, general, and free pardon.

Private Acts.

Anno 27 *Elizabethæ*.

1. An act for confirmation of her Majesty's letters patents to *Queen's College* in *Oxford*.

2. An

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2. An act for confirmation of her Majesty's letters patents unto the masters, fellows and scholars of *Clare-Hall in Cambridge*.
3. An act touching divers assurances made by the bishop and dean and chapter of *Exeter*.
4. An act for paving of *Newark upon Trent in Nottinghamshire*.
5. An act for restitution of lord *Thomas Howard*.
6. An act for paving of *New Windsor in Berkshires*.
7. An act for the assuring of certain lands to the lord *Hunsdon*.
8. An act for the assurance of certain lands to *George Choune*, esquire, from *Edward Fisher of Warwick*.
9. An act for assuring the manors of *Hoversham and Bishops Hampton* to *Sir Thomas Lucy* and others.
10. An act for assuring of lands to the lord *Willoughby of Erisby*, from *Walter Erenden* and his heirs.
11. An act enabling *Edward Fisher* to sell certain lands for the payment of his debts.
12. An act for the assurance of certain lands and tenements in *London* to *Jonas Scott*.
13. An act for confirmation of the foundation of the hospital of *Espebridge in Canterbury*, with ordinances for government thereof, and for the better relief of the poor there.
14. An act concerning the lord *Daoues*, and the lord *Norris*, and *Sampson Leonard*, for the peaceable enjoying of lands.
15. An act for the foundation of *Christ's hospital in Sherborn* within the county palatine of *Durham*.
16. An act for the establishment of an award made between *Robert lord Rich* and *Thomas Barrington*, knight, and their heirs, &c.
17. An act for the good government of the city or borough of *Westminster in Middlesex*.
18. An act for the countess of *Huntingdon's* jointure.
19. An act for the maintenance of the pier or cob of *Lynne Regis* in the county of *Dorset*. *Quæ?*

Anno 29 Elizabethæ.

- Cap. 1. For confirmation of the attainders of *Thomas*, late lord *Pages*, and others.
- Cap. 2. Concerning errors in records of attainders of high treason.
- Cap. 3. To avoid fraudulent assurances made in certain cases by traitors.
- Cap. 4. To prevent extortion in sheriffs, under-sheriffs, and bailiffs of franchises or liberties, in cases of execution.
- Cap. 5. For the continuance and perfecting of divers statutes.
- Cap. 6. For the more speedy and due execution of certain branches of the statute made in the twenty-third year of the Queen's majesty's reign, intituled, *An act to retain the Queen's majesty's subjects in their due obedience*.
- Cap. 7. For one subsidy by the clergy.
- Cap. 8. For the grant of one intire subsidy, and two fifteens and tenths, granted by the temporality.
- Cap. 9. For the Queen's majesty's most gracious, general, and free pardon.

Private Acts.

Anno 29 Elizabethæ.

1. An act for confirmation of the sale of *Edward Fisher's* lands, made towards the satisfaction of his debts, charges and incumbrances.
2. An act to enable *Charles lord Mountjoy* to sell lands for the Queen's service, for payment of his debts and advancement of his children.

Anno 31 Elizabethæ.

- Cap. 1. Against discontinuances of writs of error in the courts of exchequer and King's bench.
- Cap. 2. For abridging of proclamations upon fines to be levied at the common law.
- Cap. 3. For the avoiding of privy and secret outlawries of her Majesty's subjects.

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- Cap. 4. Against imbezilling of armour, habiliments of war, and victual.
- Cap. 5. Concerning informers.
- Cap. 6. Against abuses in election of scholars, and presentation to benefices.
- Cap. 7. Against erecting and maintaining of cottages.
- Cap. 8. For the true gauging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer.
- Cap. 9. For writs upon proclamations and exigents, to be current within the county palatine of *Durham*.
- Cap. 10. For the continuance and perfecting of divers statutes.
- Cap. 11. For explanation or declaration of the statute of *octavo Regis Henrici Sexti*, concerning forcible entries, the indictments thereupon found.
- Cap. 12. To avoid horse-stealing.
- Cap. 13. For reviving and enlarging of a statute made in the twenty-third year of her Majesty's reign, for repairing of *Dover* haven.
- Cap. 14. For confirmation of the subsidies of the clergy.
- Cap. 15. For the granting of four fifteens and tenths, and two entire subsidies, to our most gracious sovereign lady the Queen's most excellent majesty.
- Cap. 16. For the Queen's majesty's most gracious, general, and free pardon.
5. An act for the relief of the city of *Lincoln*.
6. An act for the sale of *Thomas Handford's* lands, towards the payment of his debts.
7. An act for the avoiding of certain conveyances, and other estates, supposed to be procured by *Thomas Drury*, of the lands of *Thomas Hasting*.
8. An act for the better assurance of lands and tenements for the maintenance of the grammar school at *Cambridge*.

Anno 35 Elizabethæ.

- Cap. 1. For retaining the Queen's majesty's subjects in their due obedience.
- Cap. 2. For the restraining of popish recusants to some certain places of abode.
- Cap. 3. For explanation of a statute made in the thirty-fourth year of King *Henry* the Eighth, as well touching grants made to his Majesty, as for confirmation of letters patents made by his Highness to others.
- Cap. 4. For the necessary relief of soldiers and mariners.
- Cap. 5. For explanation and confirmation of the Queen's majesty's title to the lands and tenements, late *Sir Francis Englefield's*, knight, attainted of high treason.
- Cap. 6. Against converting of great houses into several tenements, and for restraint of inmates and inclosures, in and near about the city of *London* and *Westminster*.
- Cap. 7. For the reviving, continuance, explanation and perfecting of divers statutes.
- Cap. 8. For the avoiding of deceit used in making and selling of twice laid cordage, and for the better preserving of the navy of this realm.
- Cap. 9. Touching the breadth of plunkets, azures and blues, and other

Private Acts.

Anno 31 Elizabethæ.

1. An act for the preservation of the haven of *Orford*.
2. An act for the naturalizing of the daughter of *Ralph Elking*, gentleman, wife of *Richard Lambert*.
3. An act for the assurance of the jointure of *Anne* the wife of *Henry Nevill*.
4. An act concerning the almshouse at *Lamberne* in *Berkshire*.

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other coloured cloths, made within the county of *Somerset*, and elsewhere of like making.

Cap. 10. For the reformation of sundry abuses in cloths, called *Devonshire kerseys* of dozens, according to a proclamation of the thirty-fourth year of the Queen's majesty's reign.

Cap. 11. For the bringing in of clapboard from the parts of beyond the seas, and the restraining of transporting of wine casks, for the sparing and preserving of timber within this realm.

Cap. 12. For confirmation of the subsidies of the clergy.

Cap. 13. For the grant of three intire subsidies, and six fifteens and tenths, granted by the temporality.

Cap. 14. For the Queen's majesty's most gracious, free, and general pardon.

Private Acts.

Anno 35 Elizabethæ.

1. An act for the confirmation of letters patents to the mayor, sheriffs, citizens and commonalty of the city of *Lincoln*.

2. An act that the late scite of the dissolved house of the *Gray Fryers* in or near *Cambridge* may be sold, or lett in fee-farme, or otherwise, for the erection of a new college in the univerity of *Cambridge*.

3. An act for the better assurance of the jointure of the lady *Margaret* countess of *Cumberland*.

4. An act concerning the lands of *Henry* late lord *Abergavenny* deceased.

5. An act to enable *William* lord *Vauxe* lord *Harrowden*, to sell certain manors, for payment of his

debts, and for advancement of his daughters.

6. An act for restitution in blood of *Sir Thomas Perrott*.

7. An act for the naturalizing and making free of *William Sidney*, eldest son of *Sir Robert Sidney*, knight, governor of *Ulusbing*, and dame *Barbara* his wife; and of *Peregrine Wingfield*, son and heir of *Sir John Wingfield*, and dame *Suzan* countess of *Kent* his wife.

8. An act to confirm the sale of certain manors, lands and tenements made by *Sir Richard Knightley*, knight, *Valentine Knightley*, and *Edward Knightley*, esquires, unto *Charles Hales*, esq; *Thomas Brickett*, *John Lambert*, gent. and others.

9. An act concerning the assurance of certain lands and tenements to *Read Stafford*, esquire, and *Mabell* his wife, and to the heirs of the said *Reade*.

10. An act for the bringing in of a fresh stream into the town of *Stonehouse* in the county of *Devon*.

11. An act that *Lisle Cave*, *Thomas Andrews*, and *Edmond Hasleridg*, shall enjoy certain lands which were the lands of *William Raven*, gentleman, servant to *Robert Taylor*, one of her Majesty's tellers in the receipt of her exchequer, towards the satisfaction of some debts due to her Majesty.

12. An act touching power and liberty to repeal certain uses of a deed tripartite herein mentioned, of and in the manors, lands and tenements of *Anthony Cook* of *Rumford*, esquire.

13. An act for the naturalizing of certain *Englishmens* children born beyond the seas.

END of the TABLE.

THE
STATUTES at Large, &c.

Anno primo MARIÆ, sessio prima.

ACTS made in the parliament begun and holden at *Westminster* the fifth day of *October* in the first year of the reign of our most gracious sovereign lady *Mary*, by the grace of God Queen of *England, France and Ireland*, defender of the faith, and of the church of *England*, and also of *Ireland*, in earth the supream head, and there continued to the one and twentieth day of the same month; that is to say, in the first session of the same parliament, as followeth.

CAP. I.

An act repealing and taking away certain treasons, felonies and cases of premunire.

FOrasmuch as the state of every King, ruler and governor of any realm, dominion or commonalty, standeth and consisteth more assured by the love and favour of the subject toward their sovereign ruler and governor, than in the dread and fear of laws made with rigorous pains and extreme punishment for not obeying of their sovereign ruler and governor: (2) and laws also justly made for the preservation of the commonweal, without extreme punishment or great penalty, are more often for the most part obeyed and kept, than laws and statutes made with great and extreme punishments, and in special such laws and statutes so made, whereby not only the ignorant and rude unlearned people, but also learned and expert people, minding honesty, are often and many times trapped and snared, yea many times for words only, without other fact or deed done or perpetrated:

The state of a King standeth more assuredly by the love of his subjects than in fear of laws.

II. The Queen's most excellent Majesty, calling to remembrance that many, as well honourable and noble persons, as other of good reputation within this her Grace's realm of *England*, have of late (for words only, without other opinion, fact or deed) suffered shameful death not accustomed to nobles; her Highness therefore of her accustomed clemency and mercy, minding to avoid and put away the occasion and cause of like chances hereafter to ensue, trusting her loving subjects will, for her clemency to them shewed, love, serve, and obey her Grace the more heartily and faithfully, than for dread or fear of

pains of body, is contented and pleased that the severity of such like extreme, dangerous and painful laws, shall be abolished, annulled and made frustrate and void.

No act or offence shall be treason, petty treason or misprision, but such as be declared by the stat. of 25 Ed. 3. stat. 5. c. 2.

III. Be it therefore ordained and enacted by the Queen our sovereign lady, with the assent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That from henceforth none act, deed or offence, being by act of parliament or statute made treason, petty treason or misprision of treason, by words, writing, ciphering, deeds or otherwise whatsoever, shall be taken, had, deemed or adjudged to be high treason, petty treason or misprision of treason, but only such as be declared and expressed to be treason, petty treason or misprision of treason, in or by the act of parliament or statute made in the xxv. year of the reign of the most noble King of famous memory, King *Edward* the Third, touching or concerning treason or the declarations of treasons, and none other; (2) nor that any pains of death, penalty or forfeiture in any wise ensue or be to any offender or offenders, for the doing or committing any treason, petty treason or misprision of treason, other than such as be in the said statute made in the said xxv. year of the reign of the said King *Edward* the Third, ordained and provided; any act or acts of parliament, statute or statutes, had or made at any time heretofore, or after the said xxv. year of the reign of the said late King *Edward* the Third, or any other declaration or matter to the contrary in any wise notwithstanding.

Certain persons exempted out of the benefit of this statute.

IV. Provided always, and be it ordained and enacted by the authority aforesaid, That this act of parliament, or any thing therein mentioned, shall not in any wise extend to give any manner of benefit, advantage or commodity to any person or persons, being the last day of *September* last past arrested or imprisoned for treason, petty treason or misprision of treason, or to any person or persons heretofore being indicted of treason, petty treason or misprision of treason, or being outlawed or attainted of treason, petty treason or misprision of treason, before the said last day of *September* last past, or being commanded to keep his or their house or houses, or other mens houses, or otherwise excepted out of the Queen's highness most gracious pardon given the day of her coronation, but that they and every of them, for any the offences before mentioned perpetrated, committed or done by them or any of them, before the said last day of *September*, shall suffer such pains of death, losses and forfeitures of lands and goods, as in cases of treason, as though this act had never been had ne made; any thing in this act to the contrary in any wise notwithstanding.

All offences made felony or in the case of *premunire*, since anno 1 H. 8. repealed.

V. And be it further ordained and enacted by the authority aforesaid, That all offences made felony, or limited or appointed to be within the case of *premunire*, by any act or acts of parliament, statute or statutes, made sithence the first day of the first year of the reign of the late King of famous memory, King *Henry* the Eighth, not being felony before, nor within the case

of

of *premunire*, and also all and every branch, article and clause mentioned or in any wise declared in any of the same estatutes, concerning the making of any offence or offences to be felony, or within the case of *premunire*, not being felony nor within the case of *premunire* before, and all pains and forfeitures concerning the same, or any of them, shall from henceforth be repealed, and utterly void and of none effect.

Anno primo Mariæ, sessio secunda.

ACTS made in the second and last session of this present parliament, holden upon prorogation at Westminster the four and twentieth day of October in the first year of the reign of our most gracious sovereign lady Mary, by the grace of God, Queen of England, France, and Ireland, defender of the faith, and in earth supreme head of the church of England and of Ireland, and there continued to the dissolution of the same, being the sixth day of December then next ensuing, as followeth.

CAP. I.

An act declaring the Queen's bigbness to have been born in a most just and lawful matrimony; and also repealing all acts of parliament and sentence of divorce had or made to the contrary.

FOrasmuch as truth (being of her own nature of a most excellent virtue, efficacy, force, and working) cannot but by process of time break out and shew herself, howsoever for a while she may by the iniquity and frailty of man be suppressed and kept close: and being revealed and manifested, ought to be embraced, acknowledged, confessed, and professed in all cases, and matters whatsoever, and whomsoever they touch or concern, without respect of persons, but in such cases and matters specially, as whereby the glory and honour of God in heaven (who is the author of truth, and truth itself) is to be specially set forth, and whereby also the honour, dignity, surety, and preservation of the prince, and the ruler under God in earth, dependeth, and the welfare, profit, and special benefit of the universal people and body of a realm is to be continued and maintained:

Truth may be suppressed for a time, but not for ever extinguished.

II. We your Highness most loving, faithful, and obedient subjects, understanding the very truth of the state of matrimony between the two most excellent princes of most worthy memory, King Henry the Eighth and Queen Katherine, his loving, godly, and lawful wife, your Highness lawful father and mother, cannot but think ourselves most bounden, both by our duty of allegiance to your Majesty, and of conscience towards God, to shew unto your Highness, first, how that the same matrimony, being contracted, solemnized and consummated, by

the agreement and assent of both their most noble parents, by the counsel and advice of the most wise and gravest men of both their realms, by the deliberate and mature consideration and consent of the best and most notable men in learning, in those days, of Christendom, did even so continue by the space of twenty years and more between them, to the pleasure of Almighty God and satisfaction of the world, the joy and comfort of all the subjects of this realm, and to their own repose and good contentment, God giving for a sure token and testimony of his good acceptation of the same, not only godly fruit, your Highness most noble person (whom we beseech the Almighty and everliving God, long to prosper and preserve here amongst us) and other issue also, whom it hath pleased God to take out of this transitory life unto his eternal glory, but also sending us a happier, flourishing and most prosperous common-wealth in all things.

III. And then afterward, how that the malicious and perverse affections of some (a very few persons) envying the great felicity, wherein by the goodness of God, your said most noble father and mother, and all their good subjects lived and continued in many years, did for their own singular glory, and vain reputation conceive sundry subtil and disloyal practices, for the interruption and breach of the said most lawful and godly concord. And travelling to put the same in ure, devised first to insinuate a scruple into the King your father's conscience, of an unlawful marriage between him, and his most lawful wife the Queen, your Highness mother, pretending for the ground thereof, that the same was against the word of God. And thereupon ceased not to persuade continually unto the said King your father, that he could not without danger of the loss of his soul continue with his said most lawful wife, but must be separated and divorced from her.

IV. And to this intent caused the seals, as well of certain universities in Italy and France to be gotten (as it were for a testimony) by the corruption of money with a few light persons, scholars of the same universities, as also the seals of the universities of this realm to be obtained by great travel, sinister working, secret threatenings, and entreatings of some men of authority, specially sent at that time thither for the same purposes. And how that finally, Thomas Cranmer, then newly made archbishop of Canterbury, most ungodly and against all laws, equity and conscience, prosecuting the same wicked device of divorce, and separation of the said King your father, and Queen your mother, called before him (ex officio) the bearing of the same matter of marriage, and taking his foundation partly upon his own unadvised judgment of the scripture, joining therewith the pretended testimonies of the said universities, and partly upon bare and most untrue conjectures, gathered and admitted by him upon matters of no strength and effect, but only by supposal, and without admitting or bearing any thing that could be said by the Queen your mother, or by any other on her behalf, in the absence of the said late Queen your mother, proceeded, pronounced, discerned, declared, and gave sentence; the same most lawful and undoubted matrimony, to be naught, and to be contracted against God's law, and of no value, but lacking the strength of the law: and the said most noble King your father, and the said noble Queen your mother, so married together, did separate

and

The ground or cause of the divorce between King Henry the eighth, and Queen Katharine his wife.

The unlawful sentence of Thomas Cranmer bishop of Canterbury, touching the King's marriage.

and divorce, and the same your most noble father King Henry the Eighth, and the said noble Queen your mother, from the bands of the same most lawful matrimony, did pronounce and declare, by the same his unlawful sentence, to be free, discharged, and set at liberty.

V. Which sentence and judgment so given by unlawful and corrupt means and ways, by the said archbishop of Canterbury, was afterwards upon certain affections ratified and confirmed by two several acts, the one made in the five and twentieth year of the reign of the said King your Highness father, and intituled, An act declaring the establishment of the succession of the King's most royal majesty of the imperial crown of this realm. The other act of parliament made in the eight and twentieth year of the reign of the said King your Highness father, intituled, An act for the establishment of the succession of the imperial crown of this realm.

The sentence confirmed by the statutes made 25 H. 8. c. 22. & 28 H. 8. c. 7.

VI. In the which said two acts, was contained the illegitimations of your most noble person, which your said most noble person being borne in so solemn a marriage, so openly approved in the world, and with so good faith both first contracted, and also by so many years continued between your most noble parents, and the same marriage in very deed not being prohibited by the law of God, could not by any reason or equity in this case be so spotted. And now we your Highness said most loving, faithful, and obedient subjects, of a godly heart and true meaning, freely and frankly, without fear, fancy, or any other corrupt motion or sensual affection, considering that this foresaid marriage had his beginning of God, and by him was continued, and therefore was ever, and is to be taken for a most true, just, lawful, and to all respects, a sincere and perfect marriage, nor could, no ought by any man's power, authority, or jurisdiction be dissolved, broken, or separated, (for whom God joineth, no man can, no ought to put asunder,) and considering also, how during the same marriage in godly concord, the realm in all degrees flourished to the glory of God, the honour of the prince, and the great reputation of the subjects of the same, and on the other side understanding manifestly, that the ground of the said device and practice for the said divorce proceeded first of malice and vain glory, and afterward was prosecuted and followed of fond affection and sensual fantasy, and finally executed and put in effect by corruption, ignorance and flattery: and not only feeling to our great sorrow, damage and regret, how shameful ignominies, rebukes, slanders, contempts, yea, what death, pestilence, wars, disobedience, rebellions, insurrections, and divers other great and grievous plagues, God of his justice hath sent upon us, ever since this ungodly purpose was first begun and practised: but also seeing evidently before our eyes, that unless so great an injustice as this hath been and yet continueth, be redubbed, and that the said false and wrongful process, judgment and sentence, with their dependencies be repealed and revoked, nothing is less to be doubted, than that greater plagues and strokes are like to increase and continue daily more and more within this realm: do beseech your most excellent Majesty, as well in respect of your own honour, dignity and just title, as for truth's sake, wherewith (we doubt not) but your Highness also will be specially moved in conscience, and also for the entire love, favour, and

The marriage made between King Henry the eighth and Queen Katharine was true, just and lawful

Plagues sent by God upon this realm since the divorce of the King and Queen.

affection, which your Majesty beareth to the commonwealth of this realm, and for the good peace, unity, and rest of us your most bounden subjects, and our posterity, that it may be enacted by your Highness, with the consent of the lords spiritual and temporal and the commons in this present parliament assembled.

Every sentence or divorce between King H. 8. and Queen Katharine his wife, given by bishop Cranmer or any other, shall be void.

VII. And be it enacted by the authority of this present parliament, That all, and every decree, sentence, and judgment of divorce, and separation between the said King your father, and the said late Queen your mother, and all the process commenced, followed, given, made, or promulged by the said *Thomas Cranmer*, then archbishop of *Canterbury*, or by any other person or persons whatsoever, whereby the same most just, pure, and lawful marriage, between the said late King your father, and the said late Queen your mother, was, or is pronounced, or in any wife declared to be unlawful, or unjust, or against the law of God, be and shall be from the beginning, and from henceforth of no force, validity, or effect but be utterly naught, void, frustrate, and annihilate, to all intents, constructions, and purposes, as if the same had never been given or pronounced.

The st. of 25 H. 8. c. 22 & 28 H. 8. c. 7. repealed.

VIII. And be it also enacted by the authority aforesaid, That as well the said act of parliament intituled, *An act declaring the establishment of the succession of the King's most royal majesty of the imperial crown of this realm*, made in the five and twentieth year of the reign of the King your father, be repealed, and be void, and of none effect, as also all and every such clauses, articles, branches, and matters contained and expressed in the foresaid act of parliament, made in the said eight and twentieth year of the reign of the said late King your father, or in any other act or acts of parliament, as whereby your Highness is named or declared to be illegitimate, or the said marriage between the said King your father, and the said Queen your mother, is declared to be against the word of God, or by any means unlawful, shall be, and be repealed, and be void, and of no force, nor effect, to all intents, constructions, and purposes, as if the same sentence, or acts of parliament, had never been had ne made. And that the said marriage had and solemnized between your said most noble father King *Henry*, and your said most noble mother Queen *Katharine*, shall be definitively, clearly, and absolutely, declared, deemed, and adjudged to be, and stand with God's law, and his most holy word, and to be accepted, reputed, and taken of good effect and validity to all intents and purposes.

The marriage between King H. 8. and Queen Katharine doth stand with the law of God, and shall be reputed good.

CAP. II.

A repeal of the stat. of 1 Ed. 6. c. 1. made against such as shall speak unreverently of the body and blood of Christ, and of the stat. of 1 Ed. 6. c. 2. touching the election of bishops, and the stat. of 2 Ed. 6. c. 1. concerning the uniformity of service, and administration of the sacraments, and of the stat. of 2 & 3 Ed. 6. c. 21. made to take away all positive laws ordained against the marriage of priests, and of the stat. of 3 & 4 Ed. 6. c. 10. made for the abolishing of divers books and images, and the stat. of 3 & 4 Ed. 6. c. 12. made for the ordering of ecclesiastical ministers, and of the stat. of 5 & 6 Ed. 6. c. 1. made for

for the uniformity of common prayer and administration of the sacraments, and of the stat. of 5 & 6 Ed. 6. c. 3. made for the keeping of holy-days and fasting-days, and of the stat. of 5 & 6 Ed. 6. c. 12. touching the marriage of priests and legitimation of their children. All such divine service and administration of sacraments as were most commonly used in England in the last year of Hen. 8. shall be used through the realm, after the 20th day of December, *Anno Dom.* 1553. and no other kind of service nor administration of sacraments. 1 El. c. 2. Repealed by 1 Jac. 1. c. 25. f. 48.

C A P. III.

An act against offenders of preachers and other ministers in the church.

FOrasmuch as it is most necessary in every christian commonwealth, to provide that tranquility and peace may be preserved and continued amongst the people, and specially in holy church, in the time of divine service, and administration of sacraments and sacramentals, as before this time it hath been accustomed in holy church within this realm; and that all things being contrary therunto, or that are, or may be in disturbance thereof, may by foresight be eschewed and avoided, and remedy therefore in due time provided, as well for the preservation of the Queen's highness peace, as for an universal quietness and order to be used within this realm :

The penalty of disturbing of preachers and ministers in the church.

II. Be it therefore enacted by the Queen our sovereign lady, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons of their own power and authority, at any time or times after the xx day of *December* next coming, do or shall willingly and of purpose, by open and overt word, fact, act or deed, maliciously or contemptuously molest, let, disturb, vex or trouble, or by any other unlawful ways or means disquiet or misuse any preacher or preachers that now is, or that at any time or times hereafter shall be, licenced, allowed or authorized to preach by the Queen's highness, or by any archbishop or bishop of this realm, or by any other lawful ordinary, or by any of the universities of *Oxford* and *Cambridge*, or otherwise lawfully authorized or charged by reason of his or their cure, benefice, or other spiritual promotion or charge, in any of his or their open sermon, preaching or collation, that he or they shall make, declare, preach or pronounce in any church, chapel, church-yard, or in any other place or places, used, frequented or appointed, or that hereafter shall be used or appointed to be preached in.

Disturbing by word or deed a preacher in his sermon. 2 Bulstr. 47. 53. Aleyn 50.

III. Or if any person or persons after the said xx. day of *December* next coming, shall maliciously, willingly, or of purpose molest, let, disturb, vex, disquiet or otherwise trouble any parson, vicar, parish priest or curate, or any lawful priest, preparing, saying, doing, singing, ministring or celebrating the mass, or other such divine service, sacraments or sacramentals, as was most commonly frequented and used in the last year of the reign of the late sovereign lord King *Henry* the Eighth, or

Molesting a priest preparing or celebrating mass, or other service.

1 Mod. 168. Jones Sir T. 159.

that at any time hereafter shall be allowed, set forth or authorized by the Queen's majesty.

Abusing the blessed sacrament of the body and blood of Christ, or breaking any altar or crucifix.

IV. Or if any person or persons, at any time or times after the said xx. day of *December*, shall contemptuously, unlawfully or maliciously, of their own power or authority, pull down, deface, spoil, abuse, break or otherwise unreverently handle or order the most blessed, comfortable and holy sacrament of the body and blood of our Saviour Jesus Christ, commonly called the sacrament of the altar, being or that shall be in any church or chapel, or in any other decent place, or the pix or canopy wherein the same sacrament is or shall be; (2) or unlawfully, contemptuously or maliciously, of their own power and authority, pull down, deface, spoil or otherwise break any altar or altars, or any crucifix or crosses, that now or hereafter shall be in any church, chapel or church-yard: (3) That then every such offender and offenders in any the premisses, his or their aider, præcurer or abettor, aiders, procurers or abettors, immediately and forthwith after any of the said act or acts, or other the said misdemeanours so committed, done or made, or any time or times after, shall be apprehended, arrested and taken by any constable or constables, churchwarden or churchwardens of the said parish, town or place where the said offence or offences shall be so committed, made or done, or by any other officer or officers, or by any other person or persons then being present at the time of the said offence or offences so unlawfully committed, made or done:

V. Which person or persons so apprehended, taken or arrested, with convenient speed shall be brought and carried to any justice of peace within the said shire, or within any city, borough, liberty or town corporate wherein justices of peace be, where the said offence or offences shall be so committed, done and made: (2) and that the said justice of peace, upon due accusation thereupon had and made by the apprehender or apprehenders, or other person or persons, of any of the said person or persons so offending, forthwith shall commit the said person or persons so apprehended, arrested and taken, to safe keeping and custody, as by the discretion of the said justice shall be thought most meet and convenient, (3) and that within six days next and immediately after the said accusation so had and made to the said justice, the said justice with one other justice of peace in the said shire, city, borough, liberty or town corporate, shall diligently examine the act or acts, offence or offences aforesaid.

The punishment of the offender for any of the crimes aforesaid.

VI And if they the said two justices of peace shall upon their said examination find or perceive the said person or persons so accused guilty of any of the said offence or offences whereof he or they shall be so accused, and that by two sufficient witnesses, or by his or their own confession or confessions, that then and immediately with convenient speed the said two justices shall commit and award the said person or persons so accused as is aforesaid, to the gaol of or for the said shire, city, borough, liberty

or town corporate where the said offence or offences was so committed, made or done, there to remain without bail or mainprize, by the space of three months then next ensuing, and further to the next quarter-sessions to be holden within the said shire, city, borough, liberty or town corporate, next after the end of the said three months; (2) at which said quarter-sessions, the said person or persons so committed to the gaol as is aforesaid, upon his or their reconciliation and repentance in that behalf before the said justices of peace at the said sessions, shall be delivered and discharged out of prison and gaol, upon sufficient surety of his good abearing and behaviour, to be then and there taken by the said justices for one whole year then next ensuing, as by the discretion or discretions of the said justices then and there being, or of the more part of them, shall be thought meet and convenient: (3) and if the said person or persons so in gaol as is aforesaid, will not be reconciled and repent at the said quarter-sessions, that then the said person or persons immediately in time convenient shall be further awarded and committed to the said gaol by the said justices, or by the more part of them, there to remain without bail or mainprize, until he or they so committed and awarded to gaol as is aforesaid, shall be reconciled, and be penitent for his or their said offence or offences.

Godbolt 246.
pl. 343.

VII. And be it further enacted by the authority aforesaid, That if any person or persons at any time or times after the said xx. day of *December*, of their own authority and power, willingly and unlawfully do rescue any offender or offenders so apprehended, taken or arrested as is aforesaid, or will disturb, hinder or let the said offender or offenders so offending as is aforesaid, to be apprehended, taken or arrested, that then every one of the said rescuers or disturbers shall suffer like imprisonment as is aforesaid, and further shall pay, forfeit and lose for a fine, for every of his or their said offences, five pounds to the Queen's majesty, her heirs and successors.

The penalty for rescuing an offender, or disturbing the arrest.

VIII. And be it further enacted by the authority aforesaid, That if any of the offenders aforesaid be not taken, apprehended or arrested immediately in time convenient, as is aforesaid, but do escape or go away, that then the said escape shall be lawfully presented before the justices of peace, in the said shire, city, borough, liberty or town corporate, at the next quarter-sessions to be holden where the said escape was made and suffered, and that then the inhabitants of the parish where the said escape was so suffered, shall forfeit and lose to the Queen's majesty, her heirs and successors, for every such escape five pounds, to be levied and taken as other like amerciaments and fines before this time hath been levied and taken upon any village, hundred or town, for the escape of any murderer or other felon, for not making pursuit upon hue and cry, according to the estatute of *Winchester*, and the estatute made and provided in the third year of the worthy King *Henry the Seventh*.

The penalty if an offender be not taken, but doth escape.

IX. And be it further enacted by the authority aforesaid, That What magi-
all and singular justices of peace, justices of assise, justices of strates shall

Oyer

have authority
to enquire of
and punish the
offenders.

Oyer and Determiner, and all and singular mayors, bailiffs and justices of peace within any city, borough or town corporate in any parts within this realm, within the limits of their commission or commissions, shall have full power and authority by virtue of this act, after the said xx. day of *December*, to enquire of all and singular the offences and misdemeanours aforesaid, and to hear and determine the same, and to set the fines and amercements of the said offender or offenders as is aforesaid.

The jurisdiction
of the law
ecclesiastical
saved.

X. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained shall not in any wise extend to abrogate and take away the authority, jurisdiction, power and punishments of the ecclesiastical laws, now standing and remaining in their force, of or for the punishment of any the offences and misdemeanours aforesaid, but that the authority, power, jurisdictions and punishments of the said ecclesiastical laws of and for any the offences and misdemeanours aforesaid shall stand in full power and strength, and to be used and exercised in all and in every thing, as though this act had never been had and made; this present act, or any thing therein contained to the contrary thereof in any wise notwithstanding.

There shall be
but one pu-
nishment for
one offence.

XI. Provided always, and be it enacted, That whatsoever person offending in the premisses, shall for any of the offences afore recited receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence estoons be convicted before the justice: (2) and in like wise receiving for the said offences punishment by the justice, he shall not for the same offence estoons receive punishment of the ordinary; any thing in this act to the contrary notwithstanding.

C A P. IV.

An act touching certain writings made from the sixth of July last past, to the first day of August next ensuing.

WHERE it hath pleased Almighty God the sixth day of July last past to call out of this transitory life unto his mercy our late sovereign lord King Edward the sixth, by and immediately after whose decease the imperial crown of this realm, with all dignities, dominions, honours, pre-eminences, prerogatives, stiles, authorities and jurisdictions, to the same united, annexed or belonging, did not only descend, remain and come unto our most dread sovereign lady the Queen's majesty, but also the same was then immediately and lawfully invested, deemed and adjudged in her Highness most royal person, by the due course of inheritance, and by the laws and statutes of this realm:

II. Nevertbeles the same her Highness most lawful possession was for a time disturbed and disquieted by the traitorous rebellion and usurpation of the lady Jane Dudley, wife unto Guilford Dudley, Esq; otherwise called the lady Jane Grey, and other her complices, during the time of the which said rebellion and usurpation, divers estatutes, recognisances, indentures, obligations, acquittances, grants, patents, evidences and other writings, were made and devised between and to sundry

dry of the subjects of this realm, whereupon divers questions, suits and doubts may hereafter arise, grow and ensue to many of the Queen's highness true loving subjects: for the avoiding of all which ambiguities and doubts which by reason thereof may be stirred and moved, &c. Obligations, writings, &c. made from the sixth of July last, and before the first of August, shall be good and effectual, excepting such as were made by the lady Jane Dudley. No patents, grants, writings, &c. made by the lady Jane Dudley since the sixth day of July last shall be good.

C A P. V.

An act for the limitation of prescription in certain cases.

WHERE at a parliament holden at Westminster the twenty-fourth day of July in the thirty-second year of the reign of the late King of famous memory, King Henry the Eighth, it was enacted, That no manner of person or persons should from thenceforth sue, have or maintain any writ of right, or make any prescription, title or claim of, to or for any manors, lands, tenements, rents, annuities, commons, pensions, portions corrodies or other hereditaments of the possession of his or their ancestor or predecessor, and declare and alledge any further seisin or possession of his or their ancestor or predecessor but only of the seisin or possession of his ancestor or predecessor which hath been, or then was or shall be, seized of the said manors, lands, tenements, rents, annuities, commons, pensions, portions, corrodies or other hereditaments within threescore years next before the tette of the same writ, or next before the said prescription, title or claim, sued, commenced, brought, made or had after the making of the same act:

II. And where also it was further enacted by the authority aforesaid, amongst other things, That no person or persons should after that make any avowry or cognisance for any rent, suit or service, or alledge any seisin of any rent, suit or service, in the same avowry or cognisance, in the possession of his or their ancestors or predecessor or predecessors, or in his own possession, or in the possession of any other whose estate he should after that pretend or claim to have, above fifty years next before the making of the said avowry or cognisance.

III. And where by the same act it was also further enacted amongst other things, That if any person or persons at any time after that, did sue any of the said actions or writs for any manors, lands, tenements or other hereditaments; or make any avowry, cognisance, prescription, title or claim of or for any rent, suit, service or other hereditaments, and could not prove that he or they, or his or their ancestors or predecessors were in actual possession and seisin of and in the same manors, lands, tenements, rents, suits; services, annuities, commons, pensions, portions, corrodies or other hereditaments, at any time or times within the years before limited and appointed in the same act, in manner and form as is aforesaid; (2) that if the same seisin were traversed or denied by the party plaintiff, demandant or avowant, or by the party tenant or defendant, that then and after such trial therein had, all and every such person and persons and their heirs, should from thenceforth be utterly barred for ever of all and every the said writs, actions, avowries, cognisance, prescription, title and claim after that to be sued, had or made of and for the same manors, lands, tenements, hereditaments or other the premisses, or any part of the same, for the which

Certain writs and acts whereunto the statute of limitation made 32 H. 8. c. 2. shall not extend.

A rehearsal of part of the stat. of 32 H. 8. c. 2. touching limitation of prescription.

the same action, writ, avowry, cognisance, prescription, title or claim, should at any time be had, sued or made:

Certain doubts moved upon the said statute of 32 H. 8. c. 2.

IV. Upon which said act doubt and ambiguity hath risen and been moved, whether a writ of right of advowson, a Quare Impedit, Jure Patronatus, or assise of Darein presentment, may be maintained by any person or persons, bodies politick or corporate, whereas the same person or persons, bodies politick or corporate, their ancestor or predecessor, or he or they by whom he or they do claim, cannot lay the Esplees, seisin or presentment, in him or themselves, or the ancestor or predecessor of them or any of them, or in him or them by whom he or they do claim, within threescore years next before the teste of the same writ of right of advowson Quare Impedit or assise of Darein presentment, and Jure patronatus: (2) and also whether any person or persons, bodies politick or corporate, having a seignory by reason of any castles, honours, manors, lands, tenements or hereditaments of him or them holden by knights service, may maintain a writ of right of ward, or a writ of ravishment of ward, for any castles, honours, manors, lands, tenements or hereditaments holden by knights service, or for the body of any ward that he or they claim by reason of any such tenure by knights service, whereas he or they have not been seised of the same services within threescore years next before the teste of any such writs: (3) for the explanation and plain declaration whereof, and in avoiding of the said ambiguities and doubts, be it enacted and declared by the Queen's highness, with the assent of the lords spiritual, and temporal and the commons in this present parliament assembled, and by the authority of the same, That the said former act made the said xxxii. year of the reign of the said late King Henry, or any article, clause, sentence or matter therein contained, shall not extend to any writ of right of advowson, *Quare Impedit* or assise of *Darein Presentment*, nor *Jure Patronatus*; (4) nor to any writ of right of ward, writ of ravishment of ward, for the wardship of the body or for the wardship of any castles, honours, manors, lands, tenements or hereditaments holden by knights service, nor to the seisor of the wardship of the body of any ward or wards, or to the seisor or wardship of any castles, honours, manors, lands, tenements or hereditaments holden by knights service; (5) But that all and every person and persons, bodies politick and corporate, their heirs and successors, and the heirs and successors of every them, shall and may have, maintain and pursue all and singular the said writs of right of advowson, *Quare Impedit*, assise of *Darein Presentment*, *Jure patronatus*, writs of right of ward, ravishment of ward, and also seise the wardship both of the body and of the castles, honours, manors, lands, tenements and hereditaments, holden by knights service, in like manner and form, to all intents, constructions and purposes, as they or any of them should or might have done, made or pursued, before the making of the said act made in the said xxxij. year, as though the same act had never been had or made; any thing in the said former act to the contrary notwithstanding. 21 Jac. I. c. 16.

Certain writs and acts whereunto the said statute shall not extend.

CAP. VI.

An act that the counterfeiting of strange coins being current within this realm, the Queen's highness sign manual, signet or privy seal, to be adjudged treason.

FORASMUCH as by the laws of this realm small and no due and condign punishment is at this present time provided for such evil disposed persons as shall counterfeit or forge such kind of gold or silver of other realms, as is not the proper coin of this realm, and yet permitted and suffered by the Queen our sovereign lady's consent, and heretofore hath been permitted and suffered by the consent of her most noble progenitors, to be currant in payment within this her realm, nor for such persons as shall counterfeit the Queen's highness sign manual, or privy signet or privy seal; by reason whereof divers evil disposed persons are encouraged and boldned daily to perpetrate and commit the said several offences:

II. For remedy whereof be it enacted by our said sovereign lady the Queen, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That if any person or persons hereafter falsely forge and counterfeit any such kind of coin of gold or silver as is not the proper coin of this realm, and is or shall be currant within this realm by the consent of the Queen, her heirs or successors: (2) Or if any person or persons at any time hereafter do falsely forge or counterfeit the Queen's sign manual, privy signet or privy seal; (3) that then every such offence shall be deemed and judged high treason: (4) and the offenders therein, their counsellors, procurers, aiders and abettors, being convict according to the laws of this realm of any of the said offences, shall be likewise deemed and adjudged traitors against the Queen, her heirs and successors, and the realm, and shall suffer and have such pains of death, forfeiture of lands, goods and chattels, and also lose the privilege of all sanctuary, as in the case of high treason is used and ordained.

Treason to forge the coin of other realms currant in this realm, or the King's sign manual, &c. 25 Ed. 3. stat. 5. c. 13.

C A P. VII.

An act touching proclamations upon fines.

WHEREAS upon fines levied with proclamations doubts have of late arisen by reason of adjournment of terms, in which proclamations should have been made according to the form limited for proclamations upon fines by the statute made in the fourth year of King Henry the Seventh, and were not by reason of such adjournments hadne made, according to the purvey of the same estatute:

II. Be it therefore enacted, That all fines, as well heretofore levied as hereafter to be levied, before the justices of the common place, of any manors, lands, tenements or other hereditaments, whereupon the proclamations have not or shall not, by reason of adjournment of any term by writ, be duly made, shall be of as good force, effect and strength to all intents, constructions and purposes, as if any term heretofore so adjourned, or that at any time hereafter shall be so adjourned, had been holden

Fines levied before the justices of the common pleas shall be of force notwithstanding proclamations be not made, by reason of adjournments. 4 H. 7. c. 24.

holden and kept from the beginning to the end thereof not adjourned, and proclamations therein made according to the form and effect of the said statute.

Certain fines to which this statute shall not extend.

III. Provided always, That this act shall not in any wise extend to any fine heretofore levied of any manors, lands, tenements or hereditaments, now in suit demand or variance in any of the Queen's courts, or whereof any charters, evidences or minuments concerning the same be now in demand in the Queen's high court of chancery; (2) nor to any fine or fines heretofore levied of any manors, lands, tenements or hereditaments, which before the first day of this present parliament have been recovered, gotten or obtained, by reason of any judgment, entry, decree, arbitrament or other lawful means, contrary to the purport, intent or effect of any such fine or fines thereof heretofore levied.

CAP. VIII.

An act that sheriffs shall not be justices of peace during that office.

No sheriff shall be justice of peace where or when he is sheriff.

1 Ed. 6. c. 7.
2 Bullstr. 8.

WHERE in one act of parliament, intituled, An act for the continuance of actions after the death of any King, made in the first year of our late sovereign lord King Edward the Sixth, amongst other things it is ordained and enacted, That albeit any person or persons being justice of assize, justice of gaol-delivery, or justice of peace, within any of the King's dominions, or being in any other of the King's commissions whatsoever, shall fortune to be made duke, archbishop, marquess, earl, viscount, baron, bishop, knight, justice of the one bench or of the other, or serjeant at the law or sheriff, yet that notwithstanding he and they should remain justice and commissioner, and have full power and authority to execute the same in like manner and form as he or they might or ought to have done before the same, as in the said act more plainly appeareth: (2) Sithence the making of which act, divers persons being in commission of the peace in one county, have been made sheriffs of the same county, and have exercised either of the said offices; which seemeth not to be convenient:

II. Wherefore be it enacted by the authority of this present parliament, That no manner of person or persons having, using or exercising the office of the sheriff of any county or counties, shall use or exercise the office of the justice of the peace, by force of any commission or otherwise, in any county or counties where he or they shall be sheriff, during the time only that he or they shall use or exercise the said office of sheriff-wick; any thing in the said former act to the contrary in any wise notwithstanding. And that all and every act and acts to be done by any such sheriff and sheriffs by authority of any commission of the peace, during the time abovesaid, shall be void and of none effect; the said former act notwithstanding.

CAP. IX.

An act touching the corporation of the physicians in London.

WHEREAS in the parliament holden at London the fifteenth day of April in the fourteenth year of the reign of our late Sovereign lord King Henry the Eighth, and from thence adjourned to Westminster the last day of July in the fifteenth year of the reign of the same King, and there holden, it was enacted, That a certain grant by letters patents of incorporation made and granted by our said late King to the physicians of London, and all clauses and articles contained in the same grant, should be approved, granted, ratified and confirmed by the same parliament :

II. For the consideration thereof, be it enacted by the authority of this present parliament, That the said statute or act of parliament, with every article and clause therein contained, shall from henceforth stand and continue still in full strength, force and effect; any act, statute, law, custom or any other thing made, had or used to the contrary in any wise notwithstanding.

A confirmation of 14 & 15 H. 8. c. 5. touching the corporation of physicians of London.

III. And for the better reformation of divers enormities happening to the commonwealth by the evil using and undue administration of physick, and for the enlarging of further articles for the better execution of the things contained in the said grant enacted;

IV. Be it now therefore enacted, That whensoever the president of the college, or communalty of the faculty of physick of London for the time being, or such as the said president and college shall yearly, according to the tenor and meaning of the said act, authorize to search, examine, correct and punish all offenders and transgressors of the said faculty, within the same city and precinct in the said act expressed, shall send or commit any such offender or offenders for his or their offences or disobedience contrary to any article or clause contained in the said grant or act, to any ward, gaol or prison within the same city and precinct (the tower of London except) That then from time to time the warden, gaoler or keeper, wardens, gaolers or keepers of the wards, gaols and prisons within the city or precinct aforesaid, (except before excepted) shall receive into his or their prisons all and every such person and persons so offending, as shall be so sent or committed to him or them, as is aforesaid; (2) and there shall safely keep the person or persons so committed, in any of their prisons, at the proper costs and charges of the said person or persons so committed, without bail or mainprise, until such time as such offender or offenders, or disobedient, be discharged of the said imprisonment by the said president and such persons as by the said college shall be thereunto authorized; (3) upon pain that all and every such warden, gaoler, and keeper, doing the contrary, shall lose and forfeit the double of such fine and americiament as such offender and offenders, or disobedients, shall be assessed to pay, by such as the said president

Whosoever shall be committed to prison by the president of the college of physicians in London, shall be received and kept thereby.

The offenders forfeiture, and who shall have it, and by what means.

president and college shall authorize as aforesaid, so that the same fine and amerciamment be not at any one time above the sum of xx. li. the moiety thereof to be employed to the use of our sovereign lady the Queen, her heirs and successors, the other moiety unto the said president and college: (4) all which forfeitures to be recovered by action of debt, bill, plaint or information in any of the Queen's, her heirs and successors courts of record, against any such warden, gaoler or keeper so offending; in which suit no essoin, wager of law nor protection shall be allowed ne admitted for the defendant.

Searching apothecary wares.

32 H. 8. c. 40.
See 10 Geo. 1.
c. 20. s. 2.

The penalty for resisting the search of apothecary wares.

Other magistrates shall assist the physicians in their search.

V. And further be it enacted by the authority aforesaid, for the better execution of the search and view of poticary wares, drugs and compositions, according to the tenor of a statute made in the xxxij. year of the reign of the said late King *Henry* the Eighth, That it shall be lawful for the wardens of the grocers, or one of them, to go with the said physicians in their view and search, that if the said warden or wardens do refuse or delay his or their coming thereunto forthwith and immediately when the said president or four of his college elect as aforesaid do call upon him or them, that then the said physicians may and shall execute that search and view, and the due punishment of the poticaries for any their evil and faulty stuff, according to the statute last before mentioned, without the assistance of any of the said wardens; any clause in the afore named statute to the contrary hereof notwithstanding. (2) And every such person or persons as will or shall resist such search, shall forfeit for every such resistance ten pound; the same penalty to be recovered in form aforesaid, without any of the delays aforesaid to be had in suit thereof.

VI. And further be it enacted, That all justices, mayors, sheriffs, bailiffs, constables, and other ministers and officers, within the city and precincts above written, upon request to them made, shall help, aid and assist the president of the said college, and all persons by them from time to time authorized for the due execution of the said acts or statutes, upon pain for not giving of such aid, help and assistance, to run in contempt of the Queen's majesty, her heirs and successors.

CAP. X.

An act for the uniting, dissolving and new erecting of courts. 7 Ed. 6. c. 2. 1 El. c. 4.

CAP. XI.

A confirmation of stat. 21 H. 8. c. 9. touching the prices of woollen hats and caps made beyond the sea. Customing of the same hats and caps. No man shall buy above one dozen of hats or caps made out of this realm. REP. 1. Jac. 1. c. 25.

CAP. XII.

If any persons to the number of twelve or above, being assembled together, shall intend, go about, practise or put in use, with force and arms, unlawfully and of their own authority, to change any laws made for religion, by authority of parliament, or any other laws of this

this realm, the same number of twelve or above, being commanded by the sheriff, or by any justice of peace, or by any mayor, sheriff, justices of peace or bailiffs of any city, borough or town corporate, where any such assemblies shall be, by proclamation in the Queen's name to retire and repair to their houses or places from whence they came; and any of them, notwithstanding such proclamation, shall continue together by the space of one hour after such commandment made, or after that shall willingly in forcible and riotous manner attempt to do or put in ure any of the things above specified: that then as well every such abode together, as every such act or offence, shall be adjudged felony, and the offenders shall suffer death, as in case of felony. And if any persons to the said number of twelve or above, shall go about, &c. to overthrow, cut, cast down, or dig the pales, hedges, ditches, or other enclosure of any park or other ground enclosed, or the banks of any fish-pond, or any conduits for water, to the intent that the same should from thenceforth lie open, or unlawfully to have any way or common in the said parks or other grounds enclosed, or to destroy the deer in any park, or any warren of conies, or any dove-houses, or fish in any fish-pond, or to pull or cut down any houses, barns, mills or bays, or to burn any stacks of corn, or to abate or diminish the rents of any lands, or the price of victual, corn or grain; and being commanded by any justice of peace, &c. by proclamation, &c. to retire to their habitations &c. and they notwithstanding shall remain together by the space of one hour, or shall in forcible manner put in ure any of the things before mentioned, &c. every of the said offenders shall be judged a felon, &c. And if any person unlawfully, by ringing of bells, sounding of any trumpet, drum, horn or other instrument, or by firing of a beacon, or by malicious speaking of any words, or making any outcry, or by setting up or casting of any bill or writing, or by any other deed, shall raise any persons to the number of twelve or above, to the intent that the same persons should do any of the acts above-mentioned, and the persons so raised, after commandment given in form aforesaid, shall make their abode together, or in forcible manner put in ure any of the acts aforesaid; then all persons, by whose speaking, &c. shall be adjudged felons. And if the wife, servant, or other persons shall any way relieve them that be unlawfully assembled with victuals, weapons or other thing, they shall be adjudged felons. And if any persons above the number of two, and under the number of twelve, shall practice any of the things above-mentioned, and being commanded by a justice of peace, &c. to retire, &c. make their abode by the space of one hour together, every of them shall suffer imprisonment one year, and every person damnified shall recover his triple damages against him; and every person able, being requested by the King's officers, shall be bound to resist them. If any persons to the number of forty or above, shall assemble together by forcible manner, unlawfully to put in ure any of the things above specified, or to do other felonies or rebellions, and so shall continue together three hours after proclamation made at or nigh the place where they be so assembled, or in some market-town thereunto next adjoining, and after notice to them given; every person so willingly assembled and continuing shall be adjudged a felon. And if any copyholder or farmer, being required by any of the King's officers to aid and assist them in the repressing the said offenders, do refuse, he shall forfeit his copyhold or lease, only for term of his life. The statute of 3 & 4 Ed. 6. c. 5. repealed, 1 Eliz. c. 16. EXP.

C A P. XIII.

The statutes made anno 21 H. 8. c. 7. 21 H. 8. c. 12. 23 H. 8. c. 17.
 24 H. 8. c. 9. 23 H. 8. c. 3. 28 H. 8. c. 6, 8, 9. 31 H. 8. c. 7. 33
 H. 8. c. 2. 34 H. 8. c. 17. 37 H. 8. c. 23. 2 & 3 Ed. 6. c. 9, 10,
 11. 3 & 4 Ed. 6. c. 19, 21. 5 & 6 Ed. 6. c. 2, 14. 7 Ed. 6. c. 11. be
 revived and made to continue until the end of the next parliament.
 EXP. 1 Eliz. c. 18.

CAP. XIV.

The statute of 23 H. 8. c. 2. ordained for the making of gaols in several counties, shall be continued until the end of ten years next after this parliament.

CAP. XV.

It shall be lawful to the parishioners of the late parish of St. Ellens in Stangate within the city of York, and the inhabitants that now are, or hereafter shall be dwelling in the same, to build again the same parish-church and church-yard, and therein to use divine service, sacraments, &c. And the Queen, her heirs and successors may present an able clerk to the vicarage of the same.

CAP. XVI.

A confirmation of the attainder of high treason of John duke of Northumberland, Thomas Cranmer archbishop of Canterbury, William marquess of Northampton, John earl of Warwick, Sir Ambrose Dudley, knight, Sir Andrew Dudley, knight, Sir John Gates, knight, and Sir Thomas Palmer, knight.

CAP. XVII.

A confirmation of a release which the Queen, by her letters patents, made to the temporality, of a subsidy given to King Edward, by the stat. of 7 Ed. 6. c. 12. reserving to the Queen the two fifteens granted by the said statute.

CAP. XVIII.

A subsidy of tonnage and poundage granted to the Queen during life, out of divers merchandises.

Anno primo Mariæ, sessio tertia.

ACTS made in the parliament begun and bolden at Westminster the second day of April in the first year of the reign of our most gracious sovereign lady Mary, by the grace of God, Queen of England, France and Ireland, defender of the faith, and there continued and kept to the dissolution of the same, being the fifth day of May then next ensuing, as followeth.

CAP. I.

An act that the regal power of this realm is as full in the Queen's majesty as ever it was in any her noble ancestors.

The regal power in the Queen's majesty as fully as it hath been in any her progenitors.

FOrasmuch as the imperial crown of this realm, with all dignities, honours, prerogatives, authorities, jurisdictions and preheminiences thereunto annexed, united and belonging, by the divine providence of Almighty God, is most lawfully, justly and rightfully descended and come unto the Queen's highness that now is, being the very, true and undoubted heir and inheritrix thereof, and invested in her most royal person according unto the laws of this realm: (2) and
by

by force and virtue of the same, all regal power, dignity, honour, authority, prerogative, prebeminence and jurisdictions doth appertain, and of right ought to appertain and belong unto her highness, as unto the sovereign supream governor and Queen of this realm, and of the dominions thereof, in as full, large and ample manner, as it hath done heretofore to any other her most noble progenitors, Kings of this realm: (3) nevertheless, the most ancient statutes of this realm, being made by Kings then reigning, do not only attribute and refer all prerogative, prebeminence, power and jurisdiction royal unto the name of King, but also do give, assign and appoint the correction and punishment of all offenders against the regality and dignity of the crown, and the laws of this realm, unto the King; (4) by occasion whereof, the malicious and ignorant persons may be hereafter induced and persuaded unto this error and folly, to think that her highness could not have, enjoy and use such like royal authority, power, prebeminence, prerogative and jurisdiction, nor do not execute and use all things concerning the said statutes, and take the benefit and privilege of the same, nor correct and punish offenders against her most royal person, and the regality and dignity of the crown of this realm and the dominions thereof, as the Kings of this realm her most noble progenitors have heretofore done, enjoyed, used and exercised:

Several causes why this statute was made.

II. For the avoiding and clear extinguishment of which said error or doubt, and for a plain declaration of the laws of this realm in that behalf,

III. Be it declared and enacted by the authority of this present parliament, That the law of this realm is, and ever hath been and ought to be understood, that the kingly or regal office of this realm, and all dignities, prerogative royal, power, prebeminences, privileges, authorities and jurisdictions thereunto annexed, united or belonging, being invested either in male or female, are and be, and ought to be, as fully, wholly, absolutely and entirely deemed, adjudged, accepted, invested and taken in the one as in the other: (2) so that what or whensoever statute or law doth limit and appoint, that the King of this realm may or shall have, execute or do any thing as King, or doth give any profit or commodity to the King, or doth limit or appoint any pains or punishment for the correction of offenders or transgressors against the regality and dignity of the King or of the crown; the same the Queen (being supream governess, possessor and inheretrix to the imperial crown of this realm, as our said sovereign lady the Queen most justly presently is) may by the same authority and power likewise have, exercise, execute, punish, correct, and do, to all intents, constructions and purposes, without doubt ambiguity, scruple or question; any custom, use or scruple, or any other thing whatsoever to be made to the contrary notwithstanding.

The royal power of this realm, and all the dignities of the same, shall be as well in a Queen as in a King.

CAP. II.

The articles of marriage between Philip prince of Spain and the Queen rehearsed and confirmed. The Queen shall and may only, and as a sole Queen, use and enjoy the crown and sovereignty over her dominions and subjects, with all the prerogatives, jurisdictions, manors, lands,

This branch is
Rep. 1 & 2
Ph. & M. C. 1.

&c. belonging to the same, in such only estate, and in such large manner in all degrees, after the solemnization of the said marriage, as she now hath and enjoyeth the same, without any right, claim or demand to be given, come or grow unto the said prince, as tenant by the curtesy of this realm, or by any other means. All gifts, grants, letters patents, leases and other writings, which during the said marriage, shall pass and be made of benefices, offices, lands, revenues and fruits, shall be intituled and made in the names of the said Prince and the Queen, and shall be signed with the sign manual of the Queen, and shall be bestowed upon natural-born subjects of this realm. And those grants, letters patents and writings, which shall not be signed with the sign manual, shall be void.

CAP. III.

A repeal of one statute (not printed) made 7 Ed. 6. whereby the bishoprick of Durham was dissolved, and all the lands and possessions thereof were given to the King; and of one other statute made 7 Ed. 6. c. 10. whereby the town of Gateside, &c. was severed from the said bishoprick of Durham, and annexed to the town of Newcastle; and Cuthbert Tunstall restored to the same bishoprick, and to all the possessions and franchises thereof, (saving to a capital mansion house in Thames-street in London, and five tenements thereunto belonging) and to the said town of Gateside, &c.

CAP. IV.

A repeal of the statute of 32 H. 8. c. 39. made touching the erection of the office and authority of the great master of the King's house, and the re-establishing of the name, office and authority of the lord steward of the Queen's house.

CAP. V.

The causey paved with stone in the counties of Dorset, and Somerset between Shaftsbury and Shirburn, shall from time to time, during ten years, be made and amended by the owners and farmers of the lands lying nigh unto the said causey on either side of the same, and by the inhabitants of Shaftsbury and Shirburn, and by the owners and farmers of lands, and by the inhabitants within the forest of Gillingham, and liberties of Gillingham and Alcetter, and the hundreds of Kedlane and Shirburn in the county of Dorset, and of the hundred of Horethorne, in the county of Somerset; and the justices of peace of the counties of Dorset and Somerset shall assess the said owners, farmers and inhabitants, towards the said repair. And if the said justices shall refuse to put this act in execution, the lord chancellor or lord keeper, &c. shall upon request make a commission to certain discreet persons to put this act in execution. 3 Car. 1. c. 4. continued until the end of the first session of next parliament. And farther continued by 16 Car. 1. c. 4.

CAP. VI.

The inhabitants of the city of Gloucester and Bristol, within several liberties, and of the hundreds of Barton next Bristol, Grombal, Ash, Barkley, Whitstone, Thornbury and Henbury in the county of Gloucester, for their several limits and hundreds, shall be charged with the reparation of the way between Bristol and Gloucester.

CAP. VII.

An act touching cloth-making in corporate towns and market-towns.

WHERE the city of Worcester, and divers other cities, boroughs and towns corporate within this realm of England, of long time have been upholden, repaired and only maintained by making of broad cloths called long clothes, short clothes and coloured cloths, and the citizens, freemen and inhabitants of the same cities, towns and boroughs corporate, have thereby been greatly enriched, and the poor people and handicraftsmen of the same and the counties adjoining daily set a work, as weavers, walkers, fullers, fulling millmen, sheer-men and dyers, forcers of wools, casters of wools and sorters of wools, spinners, carders and spullers of yarn, and have had their only living thereby, till now of late, in the fifth year of the reign of our late sovereign lord King Edward the Sixth, that an estatute was made, That no man should occupy cloth-making ne put any broad cloth or clothes to weaving or making, except he hath been apprentice to cloth-making by the space of seven years, or else have occupied and practised cloth-making by the space of seven years or more, under pain of forfeiture of great penalties in the same estatute limited; (2) by reason whereof divers and many good clothiers, dwelling in the said cities and towns corporate, which had occupied and made cloth by the space of five or six years, and some which have married clothiers wives, which had occupied cloth-making by the space of twenty years before, by reason of the same estatute have been enforced to leave off and clearly discontinue their cloth-making, to their great impoverishment, and to the utter undoing of a great number of poor people and handicraftsmen, which daily had their living by the said clothiers; (3) and forasmuch as the perfect and principal ground of cloth-making is the true sorting of wools, and the experience thereof consisteth only in women, as clothiers wives, and their women servants, and not in apprentices, they be thereby very like utterly to be undone for ever, unless speedy remedy be therein provided:

II. In consideration whereof be it enacted, established and ordained by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same parliament, That every person or persons inhabiting in any of the said cities, boroughs or towns corporate, or in market-towns, within the realm of England, where cloth-making at any time before the making of the said act hath been used, shall or may from henceforth lawfully make all manner of broad-clothes aforesaid, and put them to weaving, walking, fulling, dying and sheering, without any impediment, so that the same clothes be substantially made, bearing lawful length, breadth and weight, according to the statute for good and true cloth-making made in the fifth year of the reign of our said late sovereign lord King Edward the sixth; any article or clause in the said former esta-

Making of cloth used 5 & 6 Ed. 6. in cities, boroughs, corporate towns or market-towns, may be continued, &c.

The inconveniencies en- suing the statute of 5 & 6 Ed. 6. c. 8.

Certain persons not restrained of making of broad clothes, notwithstanding the stat. of 5 & 6 Ed. 6. c. 6.

Extended to the inhabitants of North Wales, &c. by 4 & 5 Ph. & M. c. 5. f. 36.

tute, or any other estatute for cloth-making, made to the contrary in any wise notwithstanding.

C A P. VIII.

An act touching the buying and currying of leather.

Carriers as well as other artificers may buy leather. A rehearsal of a branch of the stat. of 5 & 6 Ed. 6. c. 15.

WHERE at the parliament holden at Westminster upon prorogation the xv. day of April in the sixth year of the reign of our late sovereign lord King Edward the Sixth, it was amongst other things enacted, That no person or persons of what estate, degree or condition soever he or they be, should buy or engross; or cause to be bought or engrossed, any kind of tanned leather to sell the same again, saving only saddlers, girdlers, cordwainers and certain other artificers as by the same act more plainly may appear: (2) Sithence the making whereof, forasmuch as many poor artificers, as shoemakers and coblers, who afore that might buy from time to time their stuff of the currier ready provided and wrought sufficiently, and to buy the same at a price reasonable, and now being very poor men, and not able to buy two or three hides or backs of leather at one time, nor to pay ready money for the same, are enforced to give up their occupations in great number, to their utter impoverishment and undoing; (3) and forasmuch also as sithence the making of the said estatute all kind of stuff made of leather is more slenderly and deceitfully wrought and made than ever it was, and nevertheless as dear, or dearer; whereby it may appear that the said former act was procured for the singular commodity of a few rich shoemakers and other artificers that are now common regrators and ingrossers of leather, who without respect of perfect workmanship, either of the common-wealth, which is well perceived both in men's purses, and also in their shoes: (4) The experience is well proved, they having the only trade of buying of leather, stuff and tallow in their hands, and notwithstanding do deliver to the currier so little stuff and tallow, whereby the leather cannot be sufficiently wrought: (5) and forasmuch as the carriers are by divers laws bound to the sufficient workmanship and currying of leather upon divers pains where they may buy no leather, nor the shoemaker will not allow them sufficiently to do the same.

The inconveniencies of the same branch.

Carriers, shoemakers, &c. may buy leather, but not to convey beyond sea.

II. Be it therefore enacted, That from henceforth it shall be lawful as well for the currier, shoemaker, girdler, sandler, budget-maker, and all other artificers occupying the craft or mystery of leather-buying, lawfully to buy all kinds of tanned leather in fairs and markets within all places of this realm accustomed to be sold, it being lawfully tanned and dressed, (2) so that the said carriers, shoemakers and girdlers, nor any person for them, or for their use, shall buy any kind of tanned leather to sell again to any merchant or other stranger, to be conveyed over the sea, ne shall send or convey any leather beyond the sea, upon the forfeiting of all such leather so bought, the one half of the same to be to the Queen's highness, and the other half to him that presenteth the same: (3) and further, the aforesaid act from henceforth to be repealed, made void and of none effect, concerning the carriers, shoemakers, sandlers, budget-makers, girdlers, and all other artificers occupying the mystery of leather-buying, curried and dressed.

A repeal of the aforesaid branch of 5 & 6 Ed. 6. c. 15.

III. And

III. And be it further enacted, That from henceforth no person or persons (occupying the feat or mystery of currying of tanned leather) within the city of *London*, or the suburbs of the same, shall occupy about the currying of the same leather any other stuff or tallow brought unto him by any other person or persons, but such as shall be his own, upon pain of forfeiture of all such leather so curried, contrary to the true meaning thereof.

The curriers of London and the suburbs thereof shall use their own stuff.

IV. And furthermore, That no currier shall curry any hides for any shoemaker, to make shoes or boots of, from the feast of *St. James* the apostle unto the xxv. day of *March*, but such as shall be sufficiently dipped twice in the pan, for the true and just workmanship thereof, upon pain of forfeiture of all such leather as shall be wrought to the contrary, the one half of the same to the Queen's highness, and the other moiety to him that shall find and present the same; all the same penalties to be recovered in form aforesaid, by him or them that will sue for the same, by action of debt, bill, plaint or information, in any court of record, wherein no esoin, protection, or wager of law shall be admitted or allowed for the defendant.

How the leather shall be ordered that the curriers shall dress.

V. Provided always, and be it enacted by the authority aforesaid, That when and as often as any shoemaker or his deputy doth bring any leather sufficiently tanned to any currier to be curried, delivering sufficient liquor for well dressing of the same, the same shall be by every such currier well and sufficiently curried, and made ready for the shoemaker, within the space of five days in summer, that is to say, from the first day of *March* to the last day of *September*, and also in like manner within the space of ten days in winter, that is to say, from the first day of *October* unto the last day of *February*, (2) upon pain to forfeit to the party grieved, for every hide not curried and dressed in manner and form aforesaid, the sum of ten shillings.

Within what time leather shall be curried.

VI. Provided further, That this proviso shall not extend to bind any currier to dress any leather, which he doing his best is not able to dress within every of the times aforesaid, but shall extend to all such leather as he conveniently may dress after the common rate of dressing. 1 *El. c. 8.* 5 *El. c. 8.* 1 *Jac. i. c. 22.*

CAP. IX.

The Queen during her life shall have authority, by writing to be sealed with the great seal of England, to make and prescribe to all those churches cathedral and collegiate, that were erected and established by King Henry the Eighth, and to the deans, prebendaries and ministers of the same, and to their successors, such statutes and orders for the good governance of every of them, and of the lands and possessions of every of the same churches, as shall seem good to her; and to alter change, augment or diminish the same as occasion shall serve; and to ordain and establish statutes, ordinances and foundations for the government of such grammar-schools as were erected by King H. 8. or by King Ed. 6. and of the ministers and scholars of the same; and to alter and transpose other statutes and ordinances there heretofore made. See § Annæ, c. 22.

C A P. X.

The repeal of a statute (not printed) made Anno 2 Ed. 6. touching the consolidation and union of the parish churches of Onger and Grested in the county of Essex : and they shall be several parishes as they were before : and James Morris and his heirs shall have the presentation of the said parsonage of Onger.

C A P. XI.

An act touching the sea sands in Glamorganshire.

Commissioners of sewers in the county of Glamorgan shall take order for saving the land from destruction by sands rising out of the sea. The effect of the stat. of 23 H. 8. c. 5.

WHERE in the xxiiij. year of the reign of the excellent prince of famous memory, King Henry the Eighth, it was enacted and established, That commissions of sewers from time to time, when need should require, should be directed to such substantial and indifferent persons as should be named by the lord chancellor of England, the lord treasurer, the lord privy seal, and the two chief justices, or three of them, whereof the lord chancellor to be one, authorising them, or six of them, to survey walls, streams, ditches, banks, gutters, sewers, causeys, bridges, trenches, mills, mill-dams, flood-gates, ponds, coaks, ebbing wears, and other lets and nufances, by reason of the outrageous course and rage of the sea, in and upon marshes and other low places ; (2) which good law doth not extend, nor is not taken to give authority and power unto the said commissioners of sewers, to reform the great hurt, nuisance and losses that cometh and chanceth to the Queen's highness and her subjects, by reason of sand arising out of the sea, and driven to land by storms and winds, whereby much good ground lying on the sea-coasts in sundry places of this realm, and especially in the county of Glamorgan, is covered with such sand rising out of the sea, that there cometh no profit of the same, to the great loss of the Queen's highness and her loving subjects, and more is like to ensue, if speedy remedy be not therein provided :

II. May it therefore please the Queen's highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, be it enacted, That as well the said act of sewers made in the said xxiiij. year, as all-commissions of sewers hereafter to be directed according to the tenour of the said act, may extend and give authority, that the commissioners therein named for the county of Glamorgan, or six of them, whereof three to be of the *quorum*, shall by this act, and the said former act and commission to them directed, have full power and authority from time to time to make such laws, provisions, ordinaunces, judgments and decrees within the said county of Glamorgan, for the redress and saving of the said grounds from hurt and destruction by reason of the said sands, as they might or may do by the said former act and commission for the withstanding and avoïding the outrageous course and rage of the sea, or other waters ; any usage or custom to the contrary notwithstanding.

CAP. XII.

The statutes made anno 22 H. 8. c. 6. anno 23 H. 8. c. 3. 17. anno 28 H. 8. c. 6, 8; 9. anno 31 H. 8. c. 7. anno 35 H. 8. c. 17. anno 37 H. 8. c. 23. anno 2 & 3 Ed. 6. c. 9. anno 3 & 4 Ed. 6. c. 19, 21. anno 5 & 6 Ed. 6. c. 2, 14. anno 7 Ed. 6. c. 11. anno 1 Mar. sess. 2. c. 12 & 13. were revived and made to continue until the last day of the next parliament.

Anno primo & secundo Philippi & Mariæ.

ACTS made at a parliament begun and holden at Westminster the * twelfth day of November in the first and second year of the reign of our sovereign lord and lady Philip and Mary, by the grace of God, King and Queen of England, France, Naples, Jerusalem and Ireland; Defenders of the faith; Princes of Spain and Sicilie; Archdukes of Austria; Dukes of Milaine, Burgundy, and Brabant; Counties of Haspurg, Flanders and Tyroll; and there continued and kept until the dissolution of the same, being the xvi. day of January then next ensuing, were enacted as followeth.

CAP. I.

An act touching letters patents, and other writings to be signed by the Queen.

WHERE in the parliament begun and holden at Westminster the second day of April in the first year of the reign of our most dread and gracious sovereign lady the Queen's majesty: and there continued and kept till the dissolution of the same, being the fifth day of May then next following, one act was made touching the articles of her Highness most noble marriage, in the which act among other things it was enacted, ordered and established by the authority of the said parliament, That all and singular gifts, grants, letters patents, exchanges, confirmations, leases, and other writings, which after the said marriage and during the same, should pass and be made of any benefices, offices, lands, revenues and fruits, or of any of them, should be intituled and made in the names of our sovereign lord the King, and of her most excellent Highness, whether his Majesty should be present within the realms and dominions of her Highness, or within any of them, or absent: (2) And that the same gifts, grants, letters patents, exchanges, confirmations, leases, and other writings so set forth and made, should be sealed and firm'd with the sign manual of her Highness, (3) and the same so signed, and sealed with the great seal of this realm, or with such seal as hath been accustomed, should be by the authority of the said parliament deemed, adjudged, declared and pronounced to

A branch of a statute made 1 M. sess. 3. c. 2. touching the signing of letters patents, &c. with the Queen's sign manual repealed, &c.

* Examined by the inrollment. It is the eleventh in Pulton's and Keble's edition; the twenty-second in Fox Martyrol. 3 vol. 118. Sec 3 Keb. 740.

be as good, perfect, and of like force, strength and effect in the law, to all intents, constructions and purposes, against our said sovereign lord and lady the King and Queen's majesties and her Highness heirs and successors, as if her Majesty had been at the time of the making thereof sole and unmarried; (4) and that all gifts, grants, letters patents, exchanges, confirmations, leases, and other writings, which after the said marriage, and during the time of the same, should pass and be made of the said benefices, offices, lands, revenues and fruits, or of any of them, whereunto the sign manual of her Highness should not be set, made or put, shall be by the authority of the said parliament from time to time deemed, adjudged, accepted, taken and decreed to be of no force ne effect, but utterly frustrate and void in the law, to all intents, constructions and purposes; the said marriage, or any law, usage or custom to the contrary in any wise notwithstanding, as by the said act more at large doth appear.

The inconveniencies ensuing to the Queen and the subjects by the said statute of 1 M. sess. 3. c. 2.

II. *Sithence the making of which statute, and the solemnization of the said marriage, the Queen's most excellent majesty hath been greatly molested, grieved and troubled with often signing of letters patents, gifts, grants, exchanges, leases and other writings concerning and touching benefices, offices, lands, revenues and fruits, made and granted by and from our said sovereign lord the King and her Highness to sundry of their most loving subjects, to whom also it hath been and is no small charge to attend, until such time as they may procure and obtain the sign manual of her Highness unto their said letters patents, gifts, grants, exchanges, confirmations and leases, without which sign the same are utterly void by force of the said statute, to the great danger, loss, and utter undoing of divers persons that have lately bought, purchased or obtained of our said sovereign lord and lady, the King and Queen's majesties divers lands, tenements and other hereditaments, to their great costs and charges:*

A repeal of the before rehearsed branch of the statute of 1 M. sess. 3. c. 2.

III. *For remedy whereof, be it enacted by the authority of this present parliament, That the said branch or article touching or concerning only the signing of letters patents, gifts, grants, exchanges, confirmations, leases or of other writings, for any lands, benefices, offices, revenues, fruits or other hereditaments, shall be from henceforth clearly repealed, and made frustrate and void to all intents and purposes.*

A confirmation of former grants or writings signed with the Queen's sign manual.

IV. *And be it further enacted by authority of this present parliament, That all and singular letters patents touching or concerning any gift, grant, exchange, confirmation, lease or other writing, the which sithence the said marriage hath passed and been made of any benefices, offices, manors, lands, tenements, revenues, fruits, liberties or other hereditaments, or of any of them, in the names of our most dread sovereign lord and lady the King and Queen's majesties, (the warrant or writing, or warrants or writings whereof, being signed with her Highness sign manual, in such form, order, and degree, as the same heretofore hath been accustomed to be signed when her Highness was sole and unmarried) shall be by authority of this present parliament of the same like force, strength and effect in the law, to all intents, constructions and purposes,*

as if the same were or had been signed by her Highness sign manual, and as if her Majesty had been at the time of the making thereof sole and unmarried, and as they were before the making the said act; the said estatute, or any branch or article therein contained to the contrary in any wise notwithstanding.

CAP. II.

Whosoever shall wear silk in or upon his hat, bonnet, girdle, scabbard, hose, shoes or spurleathers, shall be three months imprisoned, and forfeit x. li. except mayors, aldermen, &c. If any person knowing his servant to offend, do not put him forth of his service within xiv. days, or do retain him again, he shall forfeit C. li. REP. 1 Jac. 1. c. 25.

CAP. III.

A confirmation of the stat. of 3 Ed. 1. c. 34. and 2 R. 2. stat. 1. c. 5. touching telling of news. Justices of peace in every shire, city, &c. shall have authority to hear and determine the said offences, and to put the said two statutes in execution. If any person shall be convicted or attainted for speaking maliciously of his own imagination, any false, seditious and slanderous news, saying, or tales, of the King or Queen, then he shall for his first offence be set on the pillory in some market place near where the words were spoken, and have both his ears cut off, unless he pay to the Queen an hundred pound within one month after judgment given, and also shall be three months imprisoned: and if he shall speak any such slanderous and seditious news or tales of the speaking or report of any other, then he shall be set on the pillory, and have one of his ears cut off, unless he pay an hundred marks to the Queen's use within one month after, and shall be one month imprisoned: and if he do it by book, rhyme, ballad, letter or writing, he shall have his right hand stricken off. And if any person being once convicted of any of the offences aforesaid, do afterward offend, he shall be imprisoned during his life, and forfeit all his goods and cattels. EXP. 4 & 5. Ph. & M. c. 9. 1 Eliz. c. 6.

CAP. IV.

An act against certain persons calling themselves Egyptians.

WHERE in a parliament holden at Westminster in the xxij. year of the reign of our late sovereign lord King Henry the Eighth, (for the avoiding and banishing out of this realm of certain outlandish people calling themselves Egyptians, using no craft nor feat of merchandises for to live by, but going from place to place in great companies, using great, subtil and crafty means to deceive the King's subjects, bearing them in hand, that they by palmistry could tell mens and womens fortunes, and so many times by craft and subtilty deceive the people of their money, and committed divers great and heinous felonies and robberies, to the great hurt and deceit of the people;) (2) it was amongst other things then enacted, That from the time of the making the said act no such persons should be suffered to come within this the King's realm, upon pain of forfeiture to the King of all their goods and chattels, and then to be commanded to avoid the realm within fifteen days next after the commandment, upon pain of imprisonment; (3) and such persons calling themselves Egyptians, as were then within this realm, should depart within sixteen days next after proclamation of the said act, upon pain of imprisonment, and forfeiture of all their goods and chattels, with divers other clauses and articles contained in the said act, as by the said act

Punishment for bringing Egyptians into this realm, &c.

22 H. 8. c. 10.

Enforced and explained by

5 El. c. 10.

3 Inst. 101.

more

more at large it appeareth : (4) forasmuch as divers of the said company, and such other like persons, not fearing the penalty of the said statute, have enterprised to come over again into this realm, using their old-accustomed devilish and naughty practices and devices, with such abominable living as is not in any christian realm to be permitted, named or known, and be not duly punished for the same, to the perillous and evil example of our sovereign lord and lady the King and Queen's majesties most loving subjects, and to the utter and extreme undoing of divers and many of them, as evidently doth appear :

The penalty for bringing of Egyptians into this realm.

II. For reformation whereof, be it ordained and enacted by the King and Queen our sovereign lord and lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons after the last day of *January* next coming do willingly transport, bring or convey into this realm of *England* or *Wales*, any such persons calling themselves, or commonly called, *Egyptians*, that then he or they so transporting, bringing or conveying in any such persons, contrary to the true meaning of this act, shall forfeit and lose for every time so offending, forty pounds of lawful money of *England*.

It shall be felony for Egyptians to remain in England a month.

III. And be it further enacted by the authority aforesaid, That if any of the said persons called *Egyptians*, which shall be transported and conveyed into this realm of *England* or *Wales* as is aforesaid, do continue and remain within the same by the space of one month, that then he or they so offending shall by virtue of this act be deemed and judged a felon and felons, (2) and shall therefore suffer pains of death, loss of lands and goods, as in cases of felony, by the order of the common law of this realm, (3) and shall upon the trial of them or any of them therein so tried in the county, and by the inhabitants of of the county or place, where they or he shall be apprehended or taken, and not *per medietatem linguæ*, (4) and shall lose the benefit and privilege of sanctuary and clergy.

The penalty for the Egyptians that now be, to tarry in England.

IV. And be it further enacted by the authority aforesaid, That if the *Egyptians*, or other persons commonly calling themselves *Egyptians*, and every of them, now being within this realm of *England* or *Wales*, do not depart out of the same within xx. days next after proclamation of this present act shall be made, that then he or they which shall not depart within the said time, according to the true meaning of this act, shall forfeit and lose all his and their goods and chattels, and that then it shall be lawful to all and every the King's and Queen's subjects to seize the same ; the one moiety thereof to be to the use of our sovereign lord and lady, the King and Queen, and the other moiety thereof to be to the use of him or them that shall so seize the same.

The penalty for Egyptians not to depart within forty days.

V. And be it also enacted by the authority aforesaid, That if the *Egyptians*, and other persons commonly called *Egyptians*, and every of them, now being within this realm of *England* or *Wales*, do not depart out and from the same within xl. days next after proclamation shall be made of this act, that then he

or they which shall not depart and avoid within the said time of xl. days, according to the true meaning of this act, shall be judged and deemed according to the laws of this realm of England a felon and felons, and shall suffer therefore pains of death, loss of lands and goods, as in other cases of felony, and shall be tried as is aforesaid, and without having any benefit or privilege of sanctuary or clergy.

VI. And be it further enacted by the authority aforesaid, That if any person after the first day of *January* next coming shall sue for the obtaining of any licence, letter or passport, for any of the said persons called *Egyptians* to abide or continue within this realm of *England* or *Wales*, contrary to the tenor of this act, that then every such person so suing shall forfeit and lose for the same xl. li. of lawful money of *England*; (2) and that every such licence, letter and passport, shall be by virtue of this act void to all intents and purposes; (3) the one moiety of all which sums of money, to be forfeited as is aforesaid, shall be to the King and Queen our sovereign lord and lady, and the other moiety thereof to be to him or them that will sue for the same in any court of record, by action of debt, bill, plaint or information, wherein no *essoyn*, wager of law nor protection shall be admitted and allowed.

The penalty for suing of licence for Egyptians to tarry in England.

VII. Provided always, and be it enacted by the authority aforesaid, That this present act, nor any thing therein contained, shall not extend or be hurtful to any of the said persons commonly called *Egyptians*, which within the said time of xx. days next after the said proclamation to be made as is aforesaid, shall leave that naughty, idle and ungodly life and company, and be placed in the service of some honest and able inhabitant or inhabitants within this realm, or that shall honestly exercise himself in some lawful work or occupation, but that he or they so continuing in service, or other lawful work or occupation, shall (during such time as he or they shall so continue) be discharged of all pains and forfeitures contained in this act.

A proviso for Egyptians which leave their naughty trade.

VIII. Provided also, and be it enacted by the authority aforesaid, That this act shall not in any wise extend to any child or children, being not above the age of thirteen years, nor to any of the said persons being now in prison, so that he or they so being in prison do depart out of this realm within fourteen days next after his or their delivery out of prison; (2) nor shall extend to charge any manner of person or persons as accessory to any offence or offences contained or specified in this statute.

To what persons this statute doth not extend.

CAP. V.

An act to restrain carrying of corn, victuals and wood over the seas.

WHEREAS sundry good statutes and laws have been made within this realm, in the time of the Queen's highness most noble progenitors, That none should transport, carry or convey out No corn, &c. shall be transported out of this realm of

without licence.

of this realm into any place in the parts beyond the seas any corn, butter, cheese or other victual, (except only for the victualling of the towns of Calais, Hames and Guisnes, and the marches of the same) upon divers great pains and forfeitures in the same contained; (2) that notwithstanding many and sundry covetous and unsatiable persons, seeking their only luces and gains, have and daily do carry and convey innumerable quantity, as well of corn, cheese, butter and other victual, as of wood out of this realm into the parts beyond the seas, by reason whereof the said corn, victual and wood are grown unto a wonderful dearth and extreme prices, to the great detriment of the commonwealth of this your Highness realm, and your faithful subjects of the same:

Penalties for transporting corn, butter, cheese, &c. out of this realm. For exportation of beer, see stat. 3. Jac. 1. c. 11. 1 W. & M. sess. 1. c. 22. and 3 & 4 W. & M. c. 8. Owners incur no forfeiture unless consenting to such transporting. 5El.c 5.f.24.

II. For remedy whereof, it may please your Highness that it may be enacted, and be it enacted by your Highness, by the assent of the lords spiritual and temporal, and the commons; in this present parliament assembled, and by the authority of the same, That no manner of person or persons, after the xx. day of *January* next coming, shall carry and transport out of this realm by any ship, crayer or other vessel whatsoever, into any place in the parts beyond the seas, or into the realm of *Scotland*, any wheat, rye, barley or other corn or grain growing within this realm, or any malt made within the same, or any beer, butter, cheese, herring or wood (except only to and for the victualling and furniture of the towns of *Calais*, *Hames* and *Guisnes*, and to the town of *Berwick*, and the marches of the same) without sufficient and lawful authority so to do; (2) upon the pains and penalties hereafter ensuing; that is to say, the owner and owners of the said ships and other vessels, to forfeit the said ships, crayers and other vessels, with all their apparels to them and every of them belonging, wherein the said corn, butter, cheese, herring, victual or wood shall be transported and carried; (3) and the owner and owners of the said corn, butter, cheese, herring and wood, to forfeit the double value of the same so carried and conveyed: (4) and the master and mariners of every of the said ships, crayers and vessels, for every such offence to forfeit all their goods, and to be imprisoned by the space of one whole year, without bail or mainprise.

The penalties for carrying of any corn, butter, &c. to any ship to be transported.

III. And be it further enacted by the authority aforesaid, That if any person or persons after the said twentieth day of *January* do carry and convey away by boat, crayer or other vessel, or otherwise, any wheat, rye, barley, malt, or other corn or grain, or any beer, butter, cheese, herring or wood, to any ship or vessel being on the seas or within any haven, creek or other place of the border of this realm, to be transported, carried and conveyed into any place in the parts beyond the seas, or into the realm of *Scotland*, without sufficient authority so to do, that then every owner of the said victuals, corn or other things aforesaid so transported or carried, and the owner and owners of every such boat or vessel, and the boatman and mariners of the same, shall, lose forfeit and suffer all such forfeitures, pains and penalties as is above rehearsed: (2) the one

one moiety of all and every which forfeiture and forfeitures to be to the King and Queen's highness, their heirs and successors, and the other moiety to him or them that will sue for the same, by bill, information, action of debt or otherwise, in any of the King and Queen's highness courts of record, in which action, bill or suit the defendant shall not wage his law, nor have any essoin or protection to him allowed.

IV. And be it enacted by the authority aforesaid, That if any person or persons shall obtain of the King and Queen's majesties their heirs or successors, or any of them, any licence to carry and transport any corn, victual or wood into any parts beyond the seas, that if he or they to whom any such licence shall be granted, or any other to whom such person or persons having such licence shall give, grant or sell his or their said licence unto, shall carry and convey, or cause to be carried and conveyed, any more corn, victual or wood, than shall be contained in his or their said licence, he shall forfeit the treble value of the said corn, victual or wood so carried and transported without sufficient authority, and shall suffer imprisonment for one whole year in the common gaol where he shall be apprehended, there to remain without bail or mainprise.

The penalty for transporting more corn, &c. than the party is licensed to do

V. And be it further enacted by the authority aforesaid, That no manner of person or persons after the said twentieth day of *January*, that shall obtain or have any such licence for transporting and carrying any corn, victual or wood into any parts beyond the seas, shall ship, lade and freight the same, or any part thereof, at sundry places within this realm, but at one place certain: (2) upon pain of forfeiture of the said corn, victual and wood and all his goods and chattels; the one moiety thereof to the King and Queen's majesties, their heirs and successors, and the other moiety thereof to him or them that will sue for the same, by action of debt, bill, plaint, information or otherwise, wherein no wager of law, essoin or protection shall be to him or them allowed.

They which have licence shall lade all at one place.

VI. And for the better execution of the act, be it further enacted by the authority aforesaid, That all and singular justices of peace, as well within the liberties as without, within their several authorities and commissions, at any time within three years next after such offences committed, shall have full power and authority to inquire, as well by the oaths of twelve lawful men, as also to hear and examine the master, masters and mariners of the said ships, crayers and other vessels, and all and every person other and persons of all and singular the offenders against this present act, and to hear and determine the same offences, as they may and ought to hear and determine any other trespasses or offences.

Justices of peace may hear and determine these offences.

VII. Provided always, and be it enacted by the authority aforesaid, That at all time and times hereafter when the common price of corn within this realm is, that wheat shall not exceed the price of six shillings eight-pence the quarter, (2) and rye four shillings the quarter, (3) and barley three

The prices of corn when they may be transported,

Farther provisions relating hereto.
13 El. c. 13.
and 1 Jac. 7.
c. 12. c. 25. f.

shillings the quarter, (4) it shall be lawful to every person and persons to carry and transport over the sea to any place beyond the seas at their pleasure, any of the said kinds of corn, so that it be not to the King and Queen's enemies.

26. 21 Jac. 1. c. 28. f. 3. 3 Car. 1. c. 4. f. 24. 1 W. & M. sess. 1. c. 12.

Victualling of a ship.

VIII. Provided always, and be it enacted by the authority aforesaid, That this act ne any thing herein contained shall extend to any person or persons for the necessary victualling of any ship, ships or other vessels, but that they and every of them may victual the said ships and vessels, as they might have done before the making of this present act; this act or any thing therein contained to the contrary notwithstanding.

The admiral's jurisdiction reserved.

IX. Provided always, and be it enacted by the authority aforesaid, That this act ne any thing therein contained shall not be prejudicial or hurtful unto the lord great admiral of England for the time being, or to the King and Queen's majesties jurisdiction of the admiralty, but that the said lord admiral, or his deputy or deputies, may and shall exercise, use and execute, all kind of jurisdiction belonging to the sea, according to his or their commissions, as they might lawfully have done heretofore; this act or any thing therein contained to the contrary notwithstanding.

C A P. VI.

A reviver of the statute of 5 R. 2. stat. 2. c. 5. concerning arresting of heretical preachers, and of the statute of 2 H. 4. c. 15. touching repressing of heresies and punishment of hereticks, and of the statute of 2 H. 5. c. 7. concerning the enormity of heresy and lollardy, and the suppression thereof. Repealed by 1 El. c. 1. f. 15.

C A P. VII.

An act that persons dwelling in the country shall not sell divers wares in cities or towns corporate by retail.

No country person shall sell wares by retail in any city or town corporate, but in open fairs.

WHERE before this time the ancient cities, boroughs, towns corporate and market-towns within this realm of England have been very populous, and chiefly inhabited with merchants, artificers and handicraftsmen, during which time the children in the said cities, boroughs, towns corporate and market-towns, were civilly brought up and instructed, and also the said cities, boroughs and towns corporate, kept in good order and obedience, and the inhabitants of the same well set on work, and kept from idleness; (2) by reason whereof, the said cities, boroughs and towns corporate, did then prosper in riches and great wealth, and were as then not only able to serve and furnish the King and Queen's majesties, and other their noble progenitors Kings of this realm, as well with great numbers of good able persons, and well furnished, meet for the wars, as also then charged, and yet chargeable with great fee-farms, quindisimes, taxes, and divers other payments to the King and Queen's majesties, which at this present they be not able to pay and bear, but to their utter undoing, being few in number to pay and bear the same; but also the same

The rich estate wherein cities, boroughs and market-towns, did heretofore flourish.

same cities, boroughs and towns corporate, are like to come very shortly to utter destruction, ruin and decay : (3) by reason whereof the occupiers, linen-drappers, woolen drapers, haberdashers and grocers dwelling in the countries out of the said cities, boroughs, towns corporate and market-towns, do not only occupy the art and mystery of the said sciences in the places where they dwell and inhabit, but also come unto the said cities, boroughs, towns corporate and market-towns, and there sell their wares, and take away the relief of the inhabitants of the said cities, boroughs, towns corporate and market-towns, to the great decay and utter undoing of the inhabitants of the same, if speedy reformation therein be not had in time convenient : (4) for remedy whereof, and for the better amendment of the said cities, boroughs, towns corporate and market-towns, and to the end the same cities, boroughs and towns corporate may be the better able to pay the said see-farms, and also to bear the other ordinary charges within the same cities, boroughs and towns corporate, and to furnish the King and Queen's majesties with numbers of able persons, like as they heretofore have done in times past in times of war :

The cause of the decay of cities, boroughs and market-towns. 5 Mod. 149.

II. Be it therefore enacted by our sovereign lord and lady the King and Queen, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That any person or persons which do now inhabit and dwell, or hereafter shall inhabit or dwell, in the country any where, or county within this realm of England, out of any of the said cities, boroughs, towns corporate or market-towns, from and after the feast of St. Michael the archangel next coming, shall not sell or cause to be sold by retail, any woolen cloth, linen cloth, haberdashery wares, grocery wares, mercery wares, at or within any of the said cities, boroughs, towns corporate, or market-towns, or within the suburbs or liberties of the said cities, boroughs, towns corporate and market-towns, within the said realm of England, (except it be in open fairs); (2) upon pain to forfeit and lose for every time so offending, the sum of vj. s. viij. d. and the whole wares so sold, profered and offered to be sold, contrary to the form intent and effect of this present act, as above is said; (3) the one moiety of all which forfeitures to be to the use of our said sovereign lord and lady, the King and Queen's majesties, and the other half to him or them that shall seize and sue for the same in any of the King and Queen's courts of record, by bill, plaint, action of debt, information or otherwise, wherein no essoin, protection or wager of law shall be allowed.

III. Provided alway, That this act shall not in any wise extend nor be hurtful to any person or persons, that bring any of the said woolen cloth, linen cloth, haberdash, grocery, mercery ware or wares, to any of the said cities, boroughs, towns corporate or market-towns, to be sold, or caused to be sold by wholesale in gros and not by retail; but that they and every of them may lawfully sell the same in as large and ample manner form and condition, by wholesale in gros, and not by retail,

retail, as they and every of them might have done at any time or times before the making of this act; any thing herein to the contrary notwithstanding.

One dwelling in the country doth after become free of a city, borough, &c.

IV. Provided alway, That this present act shall not extend to any person or persons that now dwell or inhabit in the country, or hereafter shall dwell or inhabit out of any of the said cities, boroughs, towns corporate or market-towns, but that they and every of them at any time hereafter, when they or any of them shall be free of any of the guilds and liberties of any of the said cities, boroughs, towns corporate or market-towns, and dwell or inhabit within any of the same cities, boroughs, towns corporate or market-towns, that they and every of them so being free shall and may sell, or cause to be sold, any of the wares aforesaid, by retail, in as ample and large manner as they and every of them might have done, being free of the said cities, boroughs and towns aforesaid, before the making of this act, any clause or article in this act to the contrary notwithstanding.

Any person may sell cloth of his own making.

V. Provided always, and be it enacted by the authority aforesaid, That it shall be lawful to all persons to sell or cause to be sold by retail or otherwise, all manner of cloth, linen or woollen, of their own making, in every city, borough, town corporate and market-town within this realm, as freely and frankly as they might have done before the making of this act; any thing in the same contained to the contrary thereof notwithstanding.

The liberties of Cambridge and Oxford.

VI. Provided alway, That this act, or any thing therein contained, shall not be prejudicial or hurtful to the liberties and privileges of the universities of *Cambridge* and *Oxford*, or either of them; any thing in this act heretofore mentioned to the contrary notwithstanding.

CAP. VIII.

An act repealing all articles and provisions made against the see apostolick of Rome, since the twentieth year of King Henry the Eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.

All statutes against the see of Rome repealed. Much false doctrine hath been preached and written since the xx. year of King Hen. 8. Cardinal Pool sent from Rome to call

WHEREAS since the twentieth year of King Henry the Eighth of famous memory, father unto your Majesty our most natural sovereign, and gracious lady and Queen, much false and erroneous doctrine hath been taught, preached and written, partly by divers the natural-born subjects of this realm, and partly being brought in hither from sundry other foreign countries, hath been sown and spread abroad within the same: (2) by reason whereof, as well the spirituality as the temporality of your Highness realms and dominions have swerved from the obedience of the see apostolick, and declined from the unity of Christ's church, and so have continued, until such time as your Majesty being first raised up by God, and set in the seat royal

royal over us, and then by his divine and gracious providence knit in the realm into marriage with the most noble and virtuous prince the King our sovereign the right way lord your husband, the pope's holiness and the see apostolick sent from whence it hath strayed. hither unto your majesties (as unto persons undefiled, and by God's goodness preserved from the common infection aforesaid) and to the whole realm, the most reverend father in God the lord cardinal Pool, legate de latere, to call us home again into the right way from whence we have all this long while wandered and strayed abroad; (3) and we, after sundry long and grievous plagues and calamities, seeing by the goodness of God our own errors, have knowledged the same unto the said most reverend father, and by him have been and are the rather at the contemplation of your Majesties received and embraced into the unity and bosom of Christ's church, and upon our humble submission and promise made for a declaration of our repentance, to repeal and abrogate such acts and statutes as have been made in parliament since the said twentieth year of the said King Henry the Eighth, against the supremacy of the see apostolick, as in our submission exhibited to the said most reverend father in God by your Majesties appeareth: the tenor whereof ensueth.

II. We the lords spiritual and temporal and the commons, assembled in this present parliament, representing the whole body of the realm of England, and the dominions of the same, in the name of our selves particularly, and also of the said body universally, in this our supplication directed to your Majesties, with most humble suit, that it may by your Grace's intercession and mean be exhibited to the most reverend father in God, the lord cardinal Pool, legate, sent specially hither from our most holy father pope July the Third and the see apostolick of Rome, do declare ourselves very sorry and repentant of the schism and disobedience committed in this realm and dominions aforesaid against the said see apostolick, either by making, agreeing or executing any laws, ordinances or commandments, against the supremacy of the said see, or otherwise doing or speaking, that might impugne the same: (2) offering ourselves and promising by this our supplication, that for a token and knowledge of our said repentance, we be and shall be always ready, under and with the authorities of your Majesties, to the uttermost of our powers, to do that shall lie in us for the abrogation and repealing of the said laws and ordinances in this present parliament, as well for ourselves as for the whole body whom we represent: (3) whereupon we most humbly desire your Majesties, as personages undefiled in the offence of this body towards the said see, which nevertheless God by his providence hath made subject to you, so to set forth this our most humble suit, that we may obtain from the see apostolick, by the said most reverend father, as well particularly and generally, absolution, release and discharge from all danger of such censures and sentences, as by the laws of the church we be fallen into; (4) and that we may as children repentant be received into the bosom and unity of Christ's church, so as this noble realm, with all the members thereof, may in this unity and perfect obedience to the see apostolick and popes for the time being, serve God and your Majesties, to the furtherance and advancement of his honour and glory. (5) We are at the intercession of your Majesties, by the authority

A repeal of all statutes made against the supremacy and see apostolick since the time of the schism.

The statute of 21 H. 8. c. 13. made against pluralities of benefices, taking of fermes by spiritual men, and non-residence.

A repeal of so much of the statute of 21 H. 8. c. 13. as is above-mentioned.

authority of our holy father pope July the Third and of the see apostolick, assoiled, discharged and delivered from excommunications, interdictions and other censures ecclesiastical, which hath hanged over our heads for our said defaults since the time of the said schism mentioned in our supplication: (6) it may now like your Majesties, that for the accomplishment of our promise made in the said supplication, that is, to repeal all laws and statutes made contrary to the said supremacy and see apostolick, during the said schism, the which is to be understood since the xx. year of the reign of the said late King Henry the Eighth, and so the said lord legate doth accept and recognize the same.

III. Where in the parliament begun and holden at Westminster in the xxi. year of the reign of the late King of famous memory, King Henry the Eighth, one act was then and there made against pluralities of benefices, for taking of fermes by spiritual men and for non-residence, in the which act, amongst other things, it was ordained and enacted, That if any person or persons, at any time after the first day of April in the year of our Lord God one thousand five hundred and thirty, contrary to the same act, should procure and obtain at the court of Rome, or elsewhere, any licence or licences, union, toleration, or dispensation, to receive and take any more benefices with cure than was limited and appointed by the same act, or else at any time after the said day should put in execution any such licence toleration or dispensation before that time obtained contrary to the said act, that then every such person or persons so after the said day suing for himself; or receiving and taking such benefice by force of such licence or licences, union, toleration or dispensation, that is to say, the same person or persons only, and no other, should for every such default incur the danger, pain and penalty of twenty pound sterling, and should also lose the whole profits of every such benefice or benefices, as he receiveth or taketh by force of any such licence or licences, union, toleration or dispensation: (2) and where also in the said act it was ordained and enacted, That if any person or persons did procure or obtain at the court of Rome, or elsewhere any manner of licence or dispensation to be non-resident at their dignities, prebend or benefices, contrary to the said act, that then every such person or persons putting in execution any such dispensation or licence for himself, from the said first day of April in the year of our Lord God MDXXX, should run and incur the penalty, damage and pain of xx. l. sterling for every time so doing, to be forfeited and recovered as by the said act is declared, and yet such licence or dispensation so procured, or to be put in execution, to be void and of none effect, as by the same act more plainly it doth and may appear.

IV. Be it enacted by the authority of this present parliament, That as much only of the said act as concerneth the articles and clauses aforesaid, and all and every the words and sentences contained in the said act, concerning the said articles and clauses, and every of them, shall from henceforth be repealed, adnulled, revoked, annihilated and utterly made void for ever; any thing in the said act to the contrary in any wise notwithstanding.

V. And where also at the session of the same parliament holden ²³ H. 8. c. 9. upon prorogation in the xxiii. year of the reign of the said late King Henry the Eighth, one act entituled, *The act that no person shall be cited out of the diocese where he or she dwelleth, except in certain cases;*

VI. And where also at the said parliament, in the session holden ²⁴ H. 8. c. 12. at Westminster upon prorogation in the xxiv. year of the reign of the said late King Henry the Eighth, one act was made, that appeals in such cases as hath been used to be pursued to the see of Rome, should not from henceforth be had or used, but within this realm;

VII. And where also at the said parliament holden at West- ²¹ H. 8. c. 20. minster in the xxi. year of the reign of the said late King Henry the Eighth, and there continued by divers prorogations until the xiv. day of April in the xxvii. year of his reign, one act was made concerning restraints of payments of annates and first-fruits of archbishopsricks and bishopsricks to the see of Rome.

VIII. And where at a session of the said parliament holden in the ²⁵ H. 8. c. 19. five and twentieth year of the reign of the said late King, there was also one act made, entituled, *The submission of the clergy to the King's majesty.*

IX. And one other act, entituled, one act restraining the said ²⁵ H. 8. c. 20. payments of annates or first-fruits to the bishop of Rome, and of the electing and consecrating of the archbishops and bishops within this realm.

X. And one other act was then and there made, entituled, *An act* ²⁵ H. 8. c. 21. *concerning the exoneration of the King's subjects from exactions and impositions before that time payed to the see of Rome, and for having licences and dispensations within this realm, without suing further for the same.*

XI. Be it enacted by the authority of this present parliament, That the said several acts made for the restraint of payments of the said annates and first-fruits, and all other the said acts made in the said twenty-fourth and twenty-fifth years of the reign of the said late King, and every of them, and all and every branch, article, matter and sentence in them and every of them contained, shall be by authority of this present parliament from henceforth utterly void, made frustrate and repealed to all intents, constructions and purposes.

A repeal of the before recited statutes.

XII. And be it further enacted by the authority of this ²⁶ H. 8. c. 1. present parliament, That all and every these acts following, that is to say, one act made at the session of the said parliament holden upon prorogation at Westminster in the xxvi. year of the reign of the said late King Henry the Eighth, entituled, *An act concerning the King's highness to be supreme head of the church of England, and to have authority to reform and redress all errors, heresies and abuses in the same;*

XIII. And one other act made in the same session of the same ²⁶ H. 8. c. 14. parliament, entituled, *An act for nomination and consecration of suffragans within this realm;*

XIV. And one other act made in the xxvii. year of the reign ²⁷ H. 8. c. 15. of the said late King Henry the eighth, entituled, *An act*

whereby

whereby the King should have power to nominate thirty-two persons of his clergy and lay-fee for the making of ecclesiastical laws.

- 28 H. 8. c. 10. XV. And also one other act made at the parliament holden at *Westminster* in the eight and twentieth year of the reign of the said late King *Henry* the Eighth, entituled, An act extinguishing the authority of the bishop of Rome ;
- 28 H. 8. c. 16. XVI. And also one other act made in the same parliament, entituled, An act for the release of such as then had obtained pretended licences and dispensations from the see of *Rome* ;
- 28 H. 8. c. 7. XVII. And also all that part of the act made in the said eight and twentieth year of the said King, entituled, An act for the establishment of the succession of the imperial crown of the realm, that concerneth a prohibition to marry within the degrees expressed in the said act ;
- 31 H. 8. c. 9. XVIII. And also one other act made at the parliament holden at *Westminster* in the one and thirtieth year of the reign of the said late King *Henry* the Eighth, entituled, An act authorising the King's highness to make bishops by his letters patents ;
- 32 H. 8. c. 38. XIX. And one other act made in the session of the same parliament, begun in the said one and thirtieth year, holden upon prorogation the two and thirtieth year of the reign of the said King *Henry* the Eighth, entituled, An act concerning pre-contracts of marriages, and touching degrees of consanguinity ;
- 35 H. 8. c. 3. XX. And one other act made in the parliament holden at *Westminster* in the xxxv. year of the reign of the said late King *Henry* the Eighth, entituled, an act for the ratification of the King's majesty's style ; (2) shall henceforth be repealed, made frustrate, void and of none effect ;
- 35 H. 8. c. 1. XXI. *And where also at the said parliament holden at Westminster in the five and thirtieth year of the reign of the said late King Henry the Eighth, one other act was made, entituled, An act concerning the stablishment of the succession of the said King in the imperial crown of this realm : in the which act there is a form of a corporal oath devised and set forth, that every subject of this realm should be bound to take, against the power, authority and jurisdiction of the see of Rome : (2) be it enacted by the authority of this present parliament, That so much of the said act as toucheth the said oath against the supremacy, and all oaths thereupon had, made and given, shall be from henceforth utterly void, repealed and of none effect.*
- 37 H. 8. c. 17. XXII. *And where also one other act was made in the seven and thirtieth year of the reign of the said late King Henry the Eighth, entituled, An act that doctors of the civil law, being married, might exercise ecclesiastical jurisdiction : (2) be it enacted by the authority of this present parliament, That the said act last before mentioned, and all and every branch, article, sentence and matter contained in the same, shall from henceforth be repealed and utterly made void and of none effect.*

A repeal of the statute last before recited,

XXIII. And where one other act was made at the first session of the parliament holden at Westminster in the first year of the reign of King Edward the sixth, entituled, An act for the repeal of certain statutes concerning treasons, felonies, &c. In the which act, amongst other things, there is contained certain provisions, pains, penalties and forfeitures, for and against such as should by open preachings, express words, sayings, writing, printing, overt-does or act, affirm or set forth, that the King of this realm, for the time being, is not or ought not to be the supream head on earth of the churches of England and Ireland, ne of any of them, or that the bishop of Rome or any other person or persons, other than the King of England for the time being, is or ought to be supream head of the same churches, or any of them, as in the same act last before rehearsed more at large is contained and may appear: (2) be it enacted by the authority of this present parliament, That these clauses before rehearsed, and other of the said act concerning the supremacy, and all and every branch, article words and sentence in the same, sounding or tending to the derogation of the supremacy of the pope's holiness, or the see of Rome, and all pains, penalties and forfeitures made against them that should by any means set forth and extol the said supremacy, shall be from henceforth utterly void, and of none effect.

A repeal of part of the statute of 1 Ed. 6. c. 12. s. 7. hereafter specified.

XXIV. And be it further enacted by the authority aforesaid, That all clauses, sentences and articles of every other statute or act of parliament, made sithence the said twentieth year of the reign of King Henry the Eighth, against the supream authority of the pope's holiness, or see apostolick of Rome, or containing any other matter of the same effect only, that is repealed in any of the statutes aforesaid, shall be also by authority hereof from henceforth utterly void, frustrate and of none effect.

A repeal of all statutes made against the supremacy of the pope or see apostolick.

(2) And where we your most humble subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, have exhibited to your Majesties one other supplication in form following:

XXV. We the lords spiritual and temporal, and the commons, in this present parliament assembled, representing the whole body of this realm, reduced and received by your Majesties intercession to the unity of Christ's church, and the obedience of the see apostolick of Rome, and the pope's holiness governing the same, make most humble suit unto your Majesties to be likewise means and intercessors, that all occasions of contention, hatred, grudge, suspicion and troubles, both outwardly and inwardly in mens consciences, which might arise amongst us by reason of disobedience, may by authority of the pope's holiness, and by ministration of the same unto us by the most reverend father in God the lord Cardinal Pool, by dispensation, toleration or permission respectively, as the case shall require, be abolished and taken away, and by authority sufficient these articles following, and generally all others, when any occasion shall require, may be provided for and confirmed.

A supplication by the parliament that these articles may be confirmed.

XXVI. First, That all bishopricks, cathedral churches, hospitals, colleges, schools and other such foundations now continuing, made by authority

Ecclesiastical foundations made sithence

the schism shall continue.

authority of parliament, or otherwise established according to the order of the laws of this realm, sithence the schism, may be confirmed and continued for ever.

Marriages.

XXVII. Item, That marriages made infra gradus prohibitos consanguinitatis, affinitatis, cognationis spiritualis, or which might be made void propter impedimentum publicæ honestatis, justitiæ, or for any other cause prohibited by the canons only, may be confirmed, and children born of those marriages declared legitimate, so as those marriages were made according to the laws of the realm for the time being, and be not directly against the laws of God, nor in such case as the see apostolick hath not used to dispence withal.

Institutions of benefices and dispensations.

XXVIII. That institutions of benefices, and other promotions ecclesiastical, and dispensations made according to the form of the act of parliament, may be likewise confirmed.

Judicial processes made upon appeals.

XXIX. That all judicial process made before any ordinaries of this realm, or before any delegates upon any appeals, according to the order of the laws of this realm, may be likewise ratified and confirmed.

The lands and goods of bishopricks, monasteries, chantries, dispersed, shall so continue.

XXX. And finally, where certain acts and statutes have been made in the time of the late schism, concerning the lands and hereditaments of archbishopricks and bishopricks, the suppression and dissolution of monasteries, abbeyes, priories, chantries, collages, and all other the goods and chattels of religious houses; since the which time the right and dominion of certain lands and hereditaments, goods and chattels, belonging to the same, be dispersed abroad, and come to the hands and possessions of divers and sundry persons, who by gift, purchase, exchange, and other means, according to the order of the laws and statutes of this realm for the time being, have the same: (2) for the avoiding all scruples that might grow by any the occasions aforesaid, or by any other ways or means whatsoever, it may please your Majesties to be intercessors and mediators to the said most reverend father Cardinal Pool, that all such causes and quarrels, as by pretence of the said schism, or by any other occasion or mean whatsoever might be moved by the pope's bolines or see apostolick, or by any other jurisdiction ecclesiastical, may be utterly removed and taken away; (3) so as all persons having sufficient conveyance of the said lands and hereditaments, goods and chattels as is aforesaid, by the common laws, acts or statutes of this realm, may without scruple of conscience enjoy them without impeachment or trouble by pretence of any general council, canons or ecclesiastical laws, and clear from all dangers of the censures of the church.

XXXI. And conformably hereunto, the bishops and clergy of the province of Canterbury have presented to your Majesties a supplication in this tenor that followeth.

The clergy's petition that the lands and goods of the clergy, late dispersed amongst the temporality, might so remain.

(2) **N**OS episcopi & clerus Cantuariensis provincie in hac synodo more nostro solito, dum Regni parliamentum celebratur, congregati, cum omni debita humilitate & reverentia, exponimus Majestatibus vestris, quod licet ecclesiarum quibus in episcopos, decanos, archidiaconos, rectores & vicarios præfecti sumus, & animarum, quæ & nobis curæ nostræ subjectæ sunt, & earundum bonorum, jurisdictionum & jurium, ex sacrorum canonum

nonum dispositione, defensores & curatores constituti sumus, & propterea ipsarum bona, jurisdictiones, & jura in pernicioso hujus Regni præterito schismate deperdita & amissa, omni studio, & totis nostris viribus recuperare, & ad pristinum ecclesiarum jus revocare, juris remediis niti demeremus: (3) nihilominus tamen habito prius per nos super hac re maturo consilio, & deliberatione, ingenue fatemur nos optime cognoscere quam hæc bonorum ecclesiasticorum difficilis & quasi impossibilis, esset recuperatio, propter multiplices ac pene inextricabiles super his habitos contractus & dispositiones, & quod si ea tentaretur, quies & tranquillitas Regni facile perturbaretur, & unitas ecclesiæ catholicæ, quæ jam pietate & autoritate Majestatum vestrarum, hoc in regno introducta est, cum maxima difficultate suum debitum progressum & finem fortiri posset: (4) Ideo nos bonum & quietem publicam privatis commoditatibus, & salutem tot animarum pretioso Christi sanguine redemptarum terrenis bonis anteponeutes, & non quæ nostra sed quæ Jesu Christi sunt quærentes, Majestates vestras enixe rogamus, easque humiliter supplicamus, ut reverendissimo in Christo patri domino Reginaldo Cardinali Polo, ad ipsas & universum hoc Angliæ regnum sanctissimi domini nostri, domini Julii papæ tertii, & apostolicæ sedis de latere legato, hæc nōmine nostro insinuari, & apud eum intercedere dignentur, ut in his bonis ecclesiasticis, in parte vel in toto, arbitrio suo juxta facultates sibi ab eodem sanctissimo domino nostro papa concessas, eorundem bonorum detentoribus, elargiendis & relaxandis, publicum bonum privato, pacem & tranquillitatem diffidiis & perturbationibus, atque animarum salutem bonis terrenis præferre & anteponeere velit. (5) Nos enim in omnibus quæ ab ipso legato statuta & ordinata circa hæc bona fuerint, exnunc, prout extunc, & econtra consensum nostrum præstamus, imo etiam & in præmissis se difficilem aut restrictum reddere non velit, Majestates vestræ nostro nomine eum hortari, & rogare dignabuntur. (6) Insuper Majestatibus vestris supplicamus ut pro sua pietate efficere dignentur, ut ea quæ ad jurisdictionem nostram et libertatem ecclesiasticam pertinent, sine quibus debitum nostri pastoralis officii & curæ animarum nobis commissæ exercere non possumus, nobis superiorum temporum injuria ablata, restituantur, & ea nobis & ecclesiæ perpetuo illæsa & salvum permaneant, & ut omnes leges, quæ hanc nostram jurisdictionem & libertatem ecclesiasticam tollunt, seu quovis modo impediunt, abrogentur, ad honorem Dei & Majestatum vestrarum, & universi hujus regni spirituale & temporale commodum & salutem; (7) certam spem etiam habentes, Majestates vestras, pro sua singulari in ipsum Deum pietate, proque multis & insignibus ab ipsius Dei bonitate acceptis beneficiis, necessitatibus, & incommodis hujus sui regni ecclesiarum, maxime curam animarum habentium, nunquam defuturas esse, sed prout opus fuerit, consulturas atque provisoras.

The clergy do prefer the publick peace before their private commodity.

The clergy's suit that ecclesiastical jurisdiction may be restored unto them, and that all laws which do hinder it may be abrogated.

XXXII. Forasmuch as the said most reverend father the lord legate, at the intercession of your Majesties, hath by the authority of the see

apof-

apostolick sufficiently dispensed in the matters specified in the said several supplications, as in his said letters of dispensation is contained more at large: The tenor whereof ensueth.

The dispensation of Cardinal Pool legate *de latere.*

(2) **R**eginaldus miseratione divina sanctæ Mariæ in Cosmodin sanctæ Romanæ ecclesiæ diaconus, cardinalis Pohn nuncupatus, ad serenissimos Philippum et Mariam, Angliæ reges, fidei defensores, & universum Angliæ regnum, sanctissimi domini nostri papæ & sedis apostolicæ de latere legatus, eisdem serenissimis Philippo & Mariæ regibus salutem in Domino sempiternam. (3) Cum supremum consilium istius regni, parlamentum nuncupatum, Majestatibus vestris per suos supplices libellos exposuisset, quod perniciosissimo schismate in hoc regno alias vigente, quod nunc Dei misericordia & Majestatum vestrarum pietate extinctum est, autoritate ipsius parliamenti, nonnulli episcopatus divisi, & ex his aliquæ inferiores ecclesiæ, in cathedrales erectæ, & scholæ atque hospitalia fundata, nec non plurimæ dispensationes & beneficiorum provisiones factæ fuerunt, ac multæ personæ quibus persuasum fuerat, juris canonici dispensationes hoc in regno amplius locum non habere, inter se in gradibus consanguinitatis vel affinitatis de jure prohibitis, & aliis impedimentis canonicis sibi obstantibus, matrimonia per verba de præsentibus contraxerunt, & multi actus judicarii, & processus, tam in primis quam ulterioribus instantiis super rebus spiritualibus & ecclesiasticis, coram iudicibus tam ordinariis quam delegatis, qui auctoritate laicali procedebant, habiti et servati, ac super eis etiam sententiæ latæ & promulgatæ fuerunt, & bona ecclesiastica per diversas ejusdem regni personas occupata & apprehensa fuerunt: (4) Quæ quidem, licet ex sacrorum canonum institutis irrita declarari possent, tamen si ad alium statum, quam in quo nunc sunt, revocarentur, publica pax & quies universi regni turbaretur, & maxima confusio oriretur, præsertim si dictorum bonorum possessores molestarentur: & propterea Majestatibus vestris humiliter supplicaverint, ut apud nos intercedere dignentur, ut præmissarum rerum firmitati & stabilitati, & simul hujus regni quieti & tranquillitati, de benignitate apostolica providere velimus; (5) Cumque episcopi quoque deinde ac reliquus provinciæ Cantuariensis clerus, totum fere corpus ecclesiasticorum regni repræsentans, ad quos hæc bonorum ecclesiasticorum causa maxime pertinet, exposuerint, quod hæc bona ad jus ecclesiarum revocari non possunt, quin pax universalis, & quies hujus regni turbetur, & causa fidei atque unitatis ecclesiæ, jam toto omnium consensu hoc in regno introducta, in maximum periculum adducatur; & propterea ipsi quoque supplicaverint, ut apud nos intercedere velint, ut in his bonis ecclesiasticis possessoribus relaxandis restricti & difficiles esse nolleamus, (6) Majestates autem vestræ, ad quas maxime spectat providere, ut regnum ipsarum potestati, regimini, & curæ commissum, in pace & tranquillitate conservetur, his supplicationibus & postulatis cognitis & mature consideratis judicaverint

ea omnia, & maxime illa quæ in bonorum ecclesiasticorum causa petuntur, pro causa fidei, & pro pace publica, per nos debere sine ulla dilatione concedi, & quemadmodum rogatæ fuerint apud nos intercedere dignatæ fuerint; prout in supplicationibus per idem supremum concilium & episcopos ac clerum præfatum Majestatis vestris porrectis, atque in libello intercessionis per eandem Majestates vestras nobis simul cum aliis supplicationibus exhibito, latius apparet. (7) Idcirco nos qui ad Majestates vestras & hoc nobilissimum vestrum regnum, a sanctissimo domino nostro *Julio* papa tertio, ipsius & sedis apostolicæ de latere legati missi iunus, ut regnum istud, quod jam diu ab ecclesiæ catholicæ unitate separatum fuerat, Deo & ecclesiæ *Christi*, ejusque in terris vicario reconciliaremus, & ut ea omnia quæ ad pacem & tranquillitatem hujus regni pertinerent, omni studio procuraremus, postquam Dei benignitate, & Majestatum vestrarum pietate, per auctoritatem ejusdem sanctissimi domini nostri papæ, cujus vices hic sustinemus, reconciliatio jam facta est, ut paci & tranquillitati regni præfati consulamus; (8) atque ut unitas ecclesiæ, ex qua salus animarum pretioso *Christi* sanguine redemptarum dependet, hoc in regno jam introducta, corroboretur, & salva permaneat; (9) cum utriusque rei stabilitatem in eo maxime consistere, si horum ecclesiasticorum bonorum possessoribus molestia nulla inferatur quo minus ea teneant, tot & tam gravia testimonia nobis fidem faciant, (10) & Majestatum vestrarum intercessio, quæ pro unitate ecclesiæ, & sedis apostolicæ autoritate, hoc in regno instauranda, tam studiose & tam pie elaborarunt, eam quam par est auctoritatem apud nos habeat, (11) & ut universum hoc regnum sedis apostolicæ maternam vere indulgentiam, & charitatem erga se, agnoscat & re ipsa experiatur; (12) Quoscunque ad quos infra scripta pertinent, a quibusvis, excommunicationis, suspensionis & interdicti aliisque ecclesiasticis sententiis, censuris & pœnis a jure vel ab homine quavis occasione vel causa latis, si quibus quomodolibet innodati existant, ad effectum præsentium duntaxat consequendum harum serie absolventes & absolutos fore censentes, autoritate apostolica, per literas sanctissimi domini nostri dom. *Julij* papæ tertij nobis concessa, & qua fungimur in hac parte, tenore præsentium dispensamus; (13) quod omnes & singulæ cathedralium ecclesiarum erectiones, hospitalium & scholarum fundationes, tempore præteriti schismatis, licet de facto & nulliter attentatæ in eo statu in quo nunc sunt, perpetuo firmæ & stabiles permaneant, illisque apostolicæ firmitatis robor adjicimus, ita ut non ea autoritate qua prius, sed ea quam nunc eis tribuimus, factæ ab omnibus censentur. (14) Et cum omnibus & singulis personis regni prædicti, quæ in aliquo consanguinitatis vel affinitatis gradu etiam multiplici, vel cognationis spiritualis seu publicæ honestatis justitiæ impedimento de jure positivo introductis, & in quibus sanctissimus dominus noster papa dispensare consuevit, matrimonia scienter vel ignoranter de facto contraxerint, ut aliquo impedimentorum præmissorum non obstante, in eorum matrimonii sic contractis, libere & licite remanere, seu illa de novo

Cardinal Pool sent to reconcile the realm to God, Christ's church, and his vicar in earth.

A confirmation of the erection of all cathedral churches, hospitals and schools, done in the time of schism. A dispensation with certain marriages. The legitimation of children.

contrahere possint, misericorditer in Domino dispensamus, prolem susceptam, suscipiendam, legitimam decernentes, ita tamen ut qui scienter & malitiose contraxerint, a sententia excommunicationis, & ab incestus seu sacrilegij reatu, absolutionem a suo ordinario vel curato quibus id faciendi facultatem concedimus obtineant: (15) Ac omnes ecclesiasticas, seculares, seu quorumvis ordinum regulares personas, quæ aliquas impetrationes, dispensationes, concessiones, gratias & indulta, tam ordines quam beneficia ecclesiastica, seu alias spirituales materias, prætena autoritate suprematis ecclesiæ Anglicanæ, licet nulliter & de facto obtinuerint, & ad eor reversæ ecclesiæ unitati restitutæ fuerint, in suis ordinibus & beneficiis per nos ipsos, seu a nobis ad id deputatos, misericorditer recipiemus, prout jam multæ receptæ fuerunt, secumque super his opportune in domino dispensabimus. (16) Ac omnes processus in quibusvis instantiis coram quibusvis iudicibus, tam ordinariis quam delegatis, etiam laicis, super materiis spiritualibus habitos & formatos, & sententias super eis latas licet nulliter & de facto, quoad nullitatem, ex defectu jurisdictionis præfato tantum insurgentem, sanamus, illosque & illas autoritate apostolica confirmamus. (17) Ac quibusvis hujus regni personis, ad quarum manus bona ecclesiastica ex quocunque contractu seu titulo oneroso vel lucrativo jam devenierint, illaque tenerint, seu etiam teneant, omnes & quoscunque fructus ex eisdem bonis, licet indebite perceptos, in totum remittimus & relaxamus: (18) Volentes ac decernentes, quod dictorum bonorum ecclesiasticorum tam mobilium quam immobiliium possessores præfati non possint in præsentem nec in posterum, seu per conciliorum generalium vel provincialium dispositiones, seu decretales Romanorum pontificum epistolas, seu aliam quamcunque censuram ecclesiasticam, in dictis bonis seu eorundem possessione molestari, inquietari vel perturbari, nec eis aliquæ censuræ vel pænæ ecclesiasticæ propter hujusmodi detentionem, seu non restitutionem, irrogari vel infligi, (19) & sic per quoscunque iudices & auditores sublata eis quavis aliter iudicandi & interpretandi facultate & autoritate, iudicari & definiri debere, & quicquid secus attemptari contigerit, irritum & inane fore decernimus, non obstantibus præmissis defectibus, & quibusvis apostolicis, ac in provincialibus & synodalibus conciliis editis, specialibus vel generalibus, constitutionibus, & ordinationibus, cæterisque contrariis quibuscunque: (20) Admonemus tamen, cum divisio episcopatum & erectio cathedralium ecclesiarum sint de majoribus causis, quæ summo pontifici sunt reservatæ, recurrendum esse ad suam sanctitatem, & ab ea suppliciter postulandum, ut hæc confirmare, seu de novo facere dignetur; (21) Et licet omnes res mobiles ecclesiarum indistincte eis qui eas tenent relaxaverimus, eos tamen admonitos esse volumus, ut ante oculos habentes divini iudicij severitatem contra *Belthasarem* Regem Babylonis, qui vasa sacra non a se, sed a patre e templo ablata in prophanos usus convertit, ea propriis ecclesiis si extant, vel aliis restituant. (22) Hortantes etiam, & per viscera misericordie *Jesu Christi* obtestantes, eos omnes quos hæc res tangit, ut salutis sue

A ratification of processes and sentences in matters ecclesiastical.

Institutions of benefices.

The lands and goods of the church come to the hands of others shall continue.

An admonition to those that do hold

suæ non omnino immemores, hoc saltem efficiant, ut ex bonis ecclesiasticis, maxime iis quæ ratione parsonatum & vicariatuum populi ministrorum sustentationi fuerint specialiter destinata, seu aliis cathedralibus, & aliis quæ nunc extant inferioribus ecclesiis curam animarum exercentibus, ita provideatur, ut earum pastores, parsonæ & vicarij commode & honeste juxta eorum qualitatem & statum sustentari possint, & curam animarum laudabiliter exercere, & opera incumbuntia congrue supportare. Datum Lambeth prope Londinum, Wintonien. Dioceff. Anno nativit. Dom. MDLIV. Nono Cal. Januarij, Pontif. Sanctiff. in Christo patris, & Domini nostri, Domini Julij, divina providentia, papæ tertii, anno quinto.

the goods of
the church.

Reginaldus Cardinalis Polus Legatus.

(23) We the said lords spiritual and temporal, and the commons in this present parliament assembled, rendring most humble thanks to your Majesties, by whose intercession and means we have obtained the said dispensations of the pope's holiness, by the said most reverend father in God, his legate, most humbly beseech the same, that it may be ordained as followeth :

XXXIII. And therefore be it enacted by the authority of this present parliament, That all and singular articles and clauses contained in the said dispensation, as well touching the establishment of bishopricks and cathedral churches, (2) as also the confirmation of marriages in degrees prohibited by the canons of the church, the legitimation of children, (3) and the ratification of proceses, and of sentences in matters ecclesiastical, touching the invalidity of them for want of jurisdiction, (4) and the institutions and destitutions of and in benefices and promotions ecclesiastical, dispensations and graces given by such order as the publick laws of the realm then approved, (5) and all other things before contained in the said letters of dispensations, (6) shall remain and be reputed and taken to all intents and constructions in the laws of this realm, lawful, good and effectual, to be alledged and pleaded in all courts ecclesiastical and temporal, for good and sufficient matter, either for the plaintiff or defendant, without any allegation or objection to be made against the validity of them, by pretence of any general council, canon or decree to the contrary made or to be made in that behalf.

The cardinal's
dispensation
confirmed by
parliament.

XXXIV. And whereas divers and sundry late monasteries, priories, commandries, nunneries, deanaries, prebends, colleges, hospitals, houses of friers, chantries, and other religious and ecclesiastical houses and places, and the manors, granges, messuages, lands, tenements, rectories, tithes, pensions, portions, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rents, reversions, services, and other possessions and hereditaments to the said late monasteries, priories, nunneries, commandries, deanaries, chantries, prebends, houses of friers, colleges, hospitals, and other religious and ecclesiastical houses and places, and sundry archbishopricks and bishopricks within this realm, late appertaining and belonging

Monasteries,
and all their
lands and her-
editaments
were given to
King Hen. 8.
by the statutes
made 27 H. 8.
c. 28.
and 31 H. 8.
c. 13.

came

came as well to the hands and possessions of the said King of famous memory, Henry the Eighth, father unto your Majesty our said sovereign Lady, by dissolution, gift, grant, surrender, attainder or otherwise, as also to the hands and possession of divers and sundry other persons, and bodies politick and corporate, by sundry means, conveyances and assurances, according to the order of the laws and statutes of this realm.

Chantries, colleges, free chapels and their lands, given to King Ed. 6. The statute of 1 Ed. 6. c. 14.

XXXV. And where also divers manors, lands, tenements and hereditaments, parcel of the possessions of archbishopsricks and bishopsricks, and many and sundry late deanaries, colleges, chantries, rectories, prebends, free chapels, guilds and fraternities, manors, houses, granges, lands, tenements, rents, services, and other ecclesiastical possessions and hereditaments, goods and chattels to the said archbishopsricks, bishopsricks, deanaries, colleges, chantries, free chapels, rectories, guilds and fraternities, late appertaining and belonging, or appointed to and for the finding of priests, obits, lights, or other like purpose, came as well to the hands and possessions of the said late noble King Edward the Sixth, brother unto your Majesty our sovereign Lady, by virtue of an act of parliament thereof made, or otherwise; as also to the hands and possession of divers and sundry other persons, and bodies politick and corporate, by sundry means, conveyances and assurances, according to the order of the laws of this realm; (2) a great number of which said late monasteries, priories, nunneries, commandries, deanaries, colleges, hospitals, prebends, chantries, free chapels, guilds and fraternities, and the manors, granges, messuages, lands, tenements, rents, reversions, services, tithes, pensions, portions, vicarages, churches, chapels, advowsons, nominations, patronages, annuities and hereditaments, goods and chattels, to the said monasteries, priories, nunneries, commandries, deanaries, colleges, hospitals, chantries, free chapels, guilds, fraternities and other ecclesiastical houses, archbishopsricks and bishopsricks belonging, as well for great sums of money, as for other good and reasonable causes and considerations, have been conveyed and assured to divers the subjects and bodies politick of this realm, as well by the said King Henry the Eighth, the said King Edward the Sixth, and by your Highness our sovereign Lady, and jointly by both your Majesties, as also by divers the owners of the said ecclesiastical possessions; which said conveyances and assurances by their sundry letters patents and other writings more plainly do and may appear. (3) Forasmuch as the said most reverend father hath also by the said dispensations removed and taken away all matter of impeachment, trouble and danger, which by occasion of any general council, canon or decree ecclesiastical, might touch and disquiet the possessions of such goods moveable lands, tenements, possessions and hereditaments, as were of late belonging to any of the said archbishopsricks, bishopsricks, monasteries, priories, nunneries, commandries, deanaries, colleges, chantries, prebends, rectories, hospitals, houses of friers, or other religious and ecclesiastical houses and places, of what nature, name, kind, or quality soever they be of; (4) Yet for that the title of all lands, possessions and hereditaments, in this your Majesties realm and dominions, is grounded in the laws, statutes

The cardinal's dispensations have only removed all trouble which by any ecclesiastical decree might disquiet the possessions of lands or goods. The title of all lands is grounded up-

statutes and customs of the same, and by your high jurisdiction, authority royal, and crown imperial, and in your courts only, to be impleaded, ordered, tried and judged, and none otherwise; (5) and understanding that the whole, full, and most gracious intents, mind and determination of your most excellent Majesties be, That all and every person and persons, bodies politick and corporate, their heirs, successors and assigns, and every of them, shall have, keep, retain and enjoy all and every their estates, rights, possessions and interests that they and every of them now have, or hereafter shall have, of and in all and every the manors, granges, messuages, lands, tenements, tithes, pensions, portions, advowsons, nominations, patronages, annuities, rents, reversions, services, hundreds, wapentakes, liberties, franchises, and other the possessions and hereditaments of the said monasteries, abbies, priories, nunneries, commandries, deaneries, colleges, prebends, hospitals, houses of friers, chantries, rectories, vicarages, churches, chapels, archbishopricks, bishopricks, and other religious or ecclesiastical houses or places, or of any of them, within this realm or the dominions of the same, by such laws and statutes as were in force before the first day of this present parliament, and by other lawful conveyance to them thereof made.

XXXVI. That it may be enacted by the authority of this present parliament, That as well your Majesty, sovereign Lady, your heirs and successors, and also all and every other person and persons, bodies politick and corporate, their heirs, successors and assigns, now having, or that hereafter shall have, hold or enjoy any of the scites of the said late monasteries, and other the religious or ecclesiastical houses or places, and all the said manors, granges, messuages, lands, tenements, tithes, pensions, portions, glebe lands, advowsons, nominations, patronages, annuities, rents, reversions, services, hundreds, wapentakes, liberties, franchises, profits, commodities, and other the possessions and hereditaments of the said late monasteries, abbies, priories, nunneries, commandries, deaneries, colleges, prebends, hospitals, houses of friers, rectories, vicarages, chantries, churches, chapels, archbishopricks, bishopricks, and other religious and ecclesiastical houses and places, or of any of them, of what name, nature or kind soever they be, shall have, hold, possess, retain, keep and enjoy all and every the said scites, manors, granges, messuages, lands, tenements, possessions, profits, commodities, and other hereditaments, according to such interests and estates, as they and every of them now have or hold, or hereafter shall have or hold, of and in the same, by the due order, and course of the laws and statutes of this realm, which now be, or were standing in force before the first day of this present parliament, in manner and form as they should have done, if this act had never been had ne made; this act or any thing herein contained to the contrary in any wise notwithstanding.

XXXVII. Saving to you our said sovereign Lady, your heirs and successors and every of them, and to all and every other person

on the laws of the realm, and to be impleaded and tried only in the King's courts.

The Queen and all other shall enjoy such sites of monasteries, &c. and their lands, as they now have or shall have.

Other mens titles saved.

person or persons subjects of this realm, and bodies politick and corporate, and to their heirs and successors, and to the heirs and successors of all and every of them (other than such whose right, title or interest is bounded or taken away, undone or extinct by any act of parliament heretofore made or otherwise) (2) all such right, title, claim, possession, interests, rents, annuities, commodities, commons, offices, fees, leases, liveries, livings, pensions, portions, debts, duties and other profits, which they or any of them lawfully have, or of right ought to have, or might have had, in, of, or to any of the premises, or in, of, or to any part or parcel thereof, in such like manner and form, and condition, to all intents, respects, constructions and purposes, as if this act had never been had ne made.

A confirmation of all statutes concerning the assurance of abbey lands or chantries, &c. of King Hen. 8. King Ed. 6.

XXXVIII. And that it may be further enacted by the authority aforesaid, That all and every article, clause, sentence and proviso, contained or specified in any act or acts of parliament concerning or touching the assurance or conveyance of any the said monasteries, priories, nunneries, commandries, deaneries, prebends, colleges, chantries, hospitals, houses of friers, rectories, vicarages, churches, chapels, archbishopricks, bishopricks and other religious and ecclesiastical houses and places or any of them, or in any wise concerning any manors, lands, tenements, profits, commodities, hereditaments, or other the things before specified to the said King *Henry the Eighth*, or King *Edward the Sixth* or either of them, or any other person or persons, or body politick or corporate and every of them, and all and every writing, deed and instrument concerning the assurance of any the same, shall stand, remain and be in as good force, effect and strength, and shall be pleaded and taken advantage of, to all intents, constructions and purposes, as the same should, might or could have been, by the laws and statutes of this realm, in case this present act had never been had ne made.

A confirmation of assurances to K. Hen. 8. Ed. 6. and all other persons, of abbey lands.

XXXIX. And that all feoffments, fines, surrenders, forfeitures, assurances, conveyances, estates and interests in any wise conveyed, had or made to our said late sovereign lord King *Henry the Eighth*, or to our said late sovereign lord King *Edward the Sixth* or either of them, or to any other person or persons, bodies politick or corporate or to any of them, by deed or deeds, act or acts of parliament or otherwise, of any the scites, manors, lands, tenements, possessions, profits, commodities or hereditaments of any of the said archbishopricks, bishopricks, late monasteries, priories, nunneries, commandries, deaneries, houses of friers, colleges, chantries, hospitals, prebends, free chapels, or of any manors, lands, tenements, reversions, services, tithes, pensions, portions, annuities, or of any other hereditaments, of, by or from any ecclesiastical or spiritual person or persons, or by or from any spiritual or ecclesiastical corporation or body politick, shall be as good and available in the law, to all intents, constructions and purposes, as they were by the laws and statutes of this realm standing in force before the first day of this present parliament: (2) and that the same may and shall be pleaded, alledged or taken advantage of, in such sort,

fort, and to such effect, as they should, could or might have been by the laws and statutes of this realm standing in force before the said first day of this present parliament; (3) and that all and every clause and article of saving, contained in all and every the said acts and statutes, shall stand, remain and be in such force, strength and effect, as they were before the said first day of this present parliament; any thing contained in this present act to the contrary in any wise notwithstanding.

XL. And that it may be in like manner enacted by authority The penalty
aforesaid, That whosoever shall by any process obtained out of for molesting
any ecclesiastical court within this realm or without or by pre- any person
tence of any spiritual jurisdiction or otherwise, contrary to the for any abbey
laws of this realm, inquiet any person or persons or lands.
body politick, for any of the said manors, lands, tenements, he- This clause is
reditaments or things above specified, contrary to the words, not repealed
sentences and meaning of this act, shall incur the danger of the 16 R. 2. c. 5.
act of *Præmunire*, made the xvi. year of King *Richard* the Se- 1 El. c. 1. §. 30.
cond, and shall suffer and incur the forfeitures and pains con-
tained in the same.

XLI. Provided alway, That it shall and may be lawful to Proviso for
any person or persons, body politick and corporate, to sue in suits for tithes
any competent ecclesiastical or spiritual court within this realm, of abbey
for tithes, rights and duties that they or any of them shall pre- lands.
tend to have of or out of any the said manors, lands, tenements
and other the premisses, and to have full and perfect remedy
for the same, in such manner and form as they or any of them
might or ought to have done, or had by the laws and statutes
of this realm, before the making of this act, and as though this
act had never been had or made.

XLII. And that it may be further provided and enacted by The title of
the authority aforesaid, That albeit the title or stile of supre- supreme head
macy, or supreme head of the church of *England* and of *Ireland*, of the church
or either of them, never was, ne could be justly or lawfully at- never could
tributed or acknowledged to any king and sovereign governor of be justly at-
this realm, nor in any wise could or might rightfully, justly or tributed to
lawfully by any king or sovereign governor of this realm, be any King or
claimed, challenged or used; (2) yet forasmuch as the said title governor.
and stile, sithence the third day of *November* in the xxvi. year of
the reign of the said King *Henry* the Eighth hath been used,
and is mentioned and contained in divers and sundry writs, let-
ters patents, records, exemplifications, court-rolls, charters,
deeds, instruments, evidences, books and writings; (3) it shall
be lawful as well to and for your Majesties and your sovereign
Lady's heirs and successors, as to and for every other person
and persons, and bodies politick and corporate, at all time and
times hereafter, to have, retain and keep the said writs, letters
patents, records, exemplifications, court-rolls, charters, deeds, Writs, letters
instruments, evidences, books and writings, and them to shew, patents and
other writings
with the title
of supreme
head, may be
kept and
pleaded.

this act, or in any other act or acts to the contrary thereof, in any wise notwithstanding.

95 H. 8. c. 3.

XLIII. *And where your Highness, sovereign lady, since your coming to the crown of this realm, of a good and christian conscience, omitted to write the said stile of supremacy, specified in one act made in the parliament holden at Westminster by prerogation in the xxxv. year of the reign of your late father King Henry the Eighth, as well in gifts, grants, letters patents, as in commissions and other writings, and also other have in their writings done the same, as well in your time as before: (2) and forasmuch as notwithstanding any law made concerning the said stile of supremacy, it was in the free choice, liberty and pleasure of the King of this realm, and of your Highness, whether you would express the same in the said stile or not:*

Writings wherein the Queen's stile of the church is omitted.

XLIV. Be it therefore declared and enacted by the authority of this present parliament, That all grants; letters patents, commissions, indictments, records and writings made in your our sovereign Lady's name, or in the names of your sovereign Lord and Lady, or any other wherein the said stile of supremacy is omitted, is and shall be to all intents and purposes, as good and effectual, us if the same had been therein expressed, and may be detained, kept, pleaded and alledged, without any danger, pain, penalty or forfeiture to ensue to any person or persons or body politick, for or concerning the omission of the same stile, or any part thereof, in any such writings; and that no person ne persons shall be impeached, molested or damnified, for or by reason of any such omission.

23 H. 8. c. 16.

XLV. *And where in an act of parliament, made since the said twentieth year of King Henry the Eighth, all bulls, dispensations and writings, which were before that time obtained from the see of Rome, should be void, abolished and extinguished, with a clause nevertheless, that the matter of them, by virtue of letters patents from the King then being, should and might be alledged, pleaded and allowed, as if the same had not been so abolished and extinguished; forasmuch as the said act is here before amongst other repealed and made void:*

What bulls, dispensations and licences obtained from Rome, may be put in execution.

XLVI. Be it therefore enacted by the authority of this present parliament, That all bulls, dispensations and privileges, obtained before the said twentieth year, or at any time sithence, or which shall hereafter be obtained of the see of Rome, not containing matter contrary or prejudicial to the authority, dignity or preheminance royal or imperial of the realm, or to the laws of this realm now being in force, and not in this parliament repealed, may be put in execution, used and alledged in any court within this realm or elsewhere, whether the same remain yet whole, or can appear to have been cancelled, in as available and effectual manner, to all intents and purposes, as if the said act had never been had or made; any objection by pretence of extinguishment, or cancelling of the said bulls, dispensations or privileges, or of any other matter or cause by the pretence of the laws of this realm whatsoever, in any wise notwithstanding.

XLVII. *And whereas by dissolution of monasteries and other religious houses, certain parish churches and chapels which were before*

exempt from the jurisdiction of the archbishop and bishop of the diocese, and by special exemption and privilege from Rome were under the government and order of the abbots and priors of those religious houses; which said churches by colour of the said exemptions, be now of special grant from King Henry and King Edward, under the rule and government and jurisdiction of temporal and lay-men, who can no more enjoy that supremacy, over those particular churches, than the King might over the whole realm:

XLVIII. Be it therefore enacted, That all archbishops and bishops in their diocese, and all other spiritual person and persons having jurisdiction, and their ministers and officers, and no lay person or persons, in every church and place within the precinct of the same, being exempt, or not exempt, may freely, and without impediment, execute their spiritual jurisdiction in all points and articles, as though no such exemption or grant had never been made.

XLIX. Provided always, and be it enacted, That this act extend not to take away or diminish the privileges of the universities of Cambridge and Oxford, (2) ne the privileges or prerogatives granted heretofore to the churches of Westminster and Windsor, (3) ne the tower of London, (4) ne prejudicial to such temporal lords and possessioners in this realm, as by ancient custom have enjoyed probate of testaments of their tenants or other.

L. And forasmuch as after this reconciliation and unity of this noble realm to the body of christ's church, it is to be trusted that by the abundance of God's mercy and grace devotion shall increase and grow in the hearts of many the subjects of this realm, with desire to give and bestow their worldly possessions, for the resuscitating of alms, prayer, and example of good life in this realm, to the intent such godly motions and purposes should be advanced:

LII. Be it therefore enacted by authority of this present parliament, That it shall be lawful to such as shall be seised of any manors, lands, tenements, parsonages, tithes, pensions, portions or other hereditaments whatsoever, in fee-simple, in possession, reversion or remainder, in their own rights, not being copyhold, may thereof make feoffments, grants or any other assurances, or by his last will and testament in writing may bequeath and give in fee-simple, all and every the said manors, lands, tenements, parsonages, tithes, pensions, portions or other hereditaments, to any spiritual body politick or corporate in this realm, or dominions of the same, now erected or founded, or hereafter to be erected or founded, without any licence of Mortmain therein to be obtained, or any writ of *ad quod damnum* to be sued out for the same; the acts *de terris ad manum mortuam non ponendis*, or any other act or statute heretofore had or made, in any wise notwithstanding; saving to the lords of the fee all rents services due or going out of any of the said lands, tenements, or hereditaments, so to be amortized as is aforesaid.

LII. Provided always, That this clause of this act, for giving the liberty of or for the amortizing of lands or tenements, shall continue for and during the space of twenty years next and immediately following, and no longer.

Who shall have the jurisdiction of churches and chapels exempt from bishops, &c.

The privileges of certain persons and places reserved.

By the reconciliation of the realm to God's church, devotion is hoped for.

Lands may be given to spiritual bodies politick or corporate.
Dyer, 255.
11 Co. 72.
Hob. 123.
1 Roll. 166,
418.

LIII. And forasmuch as we your Majesty's humble and obedient subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, neither by the making or delivering of either the supplications aforesaid, nor by any clause, article or sentence thereof, or of any other clause, article or sentence of this or any other statute, or any of the preambles of the same, made or agreed upon in this session of this present parliament, by any manner of interpretation, construction, implication or otherwise, intend to derogate, impair or diminish any of the prerogatives, liberties, franchises, preheminences or jurisdictions of your crown imperial of this realm, and other the dominions to the same belonging; (2) we do most humbly beseech your Majesties, that it may be declared and ordained, and be it enacted and declared by authority of this present parliament, That neither the making, exhibiting or inserting in this present statute, or in the preambles of the same, of the supplication or promise aforesaid or either of them, nor any other thing or things, words, sentences, clauses or articles in the preambles or body of the acts aforesaid, shall be construed, understood or expounded, to derogate, diminish or take away any liberties, privileges, prerogatives, preheminences, authorities or jurisdictions, or any part or parcel thereof, which were in your imperial crown of this realm, or did belong to your said imperial crown the twentieth year of the reign of yours, the Queen's majesty's most noble father, or any other of your most noble progenitors, before the said twentieth year; (3) and the pope's holiness and see apostolick to be restored, and to have and enjoy such authority, preheminance and jurisdiction, as his holiness used and exercised, or might lawfully have used and exercised, by authority of his supremacy, the said twentieth year of the reign of the King your father, within this your realm of *England*, and other your dominions, without diminution or enlargement of the same, and none other; (4) and the ecclesiastical jurisdictions of the archbishops, bishops and ordinaries, to be in the same state for process of suits, punishment of crimes, and execution of censures of the church, with knowledge of causes belonging to the same, and as large in these points as the said jurisdictions were the said twentieth year.

LIV. Provided always, and be it enacted by the authority aforesaid, That in and upon every such gifts and devises to be made to such spiritual corporations or persons as is aforesaid, the donor, feoffor or devisor thereof, may reserve to him and to his heirs for ever, a tenure in *frank almoigne*, or a tenure by divine service, and to have all remedies and actions for and upon the said gifts or devises, and tenures, in like manner and form as was used before the estatute of *Westminster* third, commonly called *Quia emptores terrarum*; the said estatute or any law or custom now being to the contrary in any wise notwithstanding.

LV. Provided always, and be it enacted, That all and every person and persons, and bodies politick and corporate, which now have or hereafter shall have any estate of inheritance, freehold, term or interest, of, in or to any portion, pension, tithes, glebe-

Nothing in this statute shall be prejudicial to the liberties of the crown.

The pope and see apostolick restored to the authority that they had.

The jurisdiction of the bishops of this realm.

What tenure shall be reserved upon gifts to be made to spiritual corporations.

The remedy to recover any pension, tithes, glebe-

glebe-lands, or other ecclesiastical or spiritual profit, which by this act and letters of dispensation rehearsed in the same, be permitted and suffered to remain and continue in lay mens possessions, shall and may have like remedy for the recovery of the same, and every part thereof, as they and every of them might have had before the first day of this present parliament; any thing in this act contained to the contrary in any wise notwithstanding.

In part repealed by 1 El. c. 1. s. 2.

C A P. IX.

If any person shall pray or desire that God will shorten the Queen's days, or take her out of the way, or any such malicious prayer, amounting to the same effect, he, his procurators and abettors shall be adjudged traitors. EXP. 1 El. c. 6. 23 El. c. 2.

C A P. X.

An act whereby certain offences be made treasons, and also for the government of the King's and Queen's majesties issue.

FORASMUCH as the great mercy and clemency heretofore declared by the Queen's highness in releasing the penal laws made by her progenitors, hath given occasion to many cankered and traitorous hearts to imagine, practise and attempt things, stirring the people to disobedience and rebellion against her Highness; common policy and duty of subjects require, that some law be estiones established, to restrain the malice of such wicked and evil doers, whereby they may be prohibited to blow abroad such shameful slanders and lies as they daily invent and imagine of her Highness and the King's majesty her most lawful husband, which when they be heard cannot be but odible and detested of all good men, considering they touch their Majesties, upon whom dependeth the whole unity and universal wealth of this realm :

If any person during the marriage between the King and Queen's majesties do compass or imagine to deprive the King's majesty from the having with the Queen the stile, honour and kingly name, or to destroy the King, or to levy war within this realm against the King or Queen, or any of her heirs, being kings or queens of this realm, or to depole the Queen or the heirs of her body; and the same utter by open preaching, express words or sayings: or if any person by preaching, express words or sayings, shall maliciously, advisedly and directly say, or hold opinion, that the King ought not to have with the Queen the stile, honour and kingly name of this realm, or that the Queen is not or of right ought not to be Queen, or that the heirs of her body, being kings or queens of this realm, ought not to be kings and queens of this realm, every such offender shall forfeit all his goods and issues of his lands for life, as also shall have perpetual imprisonment. EXP. Ecclesiastical persons being convicted for such offence, shall be deprived: and if any person convicted of the said offences shall after conviction estiones commit any of the said offences, such second offences shall be adjudged high treason. If any person during the said marriage compass or imagine the death of the King, and the same maliciously, advisedly and directly shall utter and attempt by any writing, printing, overt deed or act; or if any person shall maliciously, advisedly and directly, by writing, printing, overt deed or act, affirm, that the King ought not to have with the Queen the stile, honour and kingly name of this realm: or by writing, printing, overt deed or act, maliciously, advisedly and directly, affirm, that the Queen is not, or ought not to be Queen; that the heirs of her body, being kings, &c. of right ought not to have the crown, such offence shall be adjudged high treason. EXP.

32 H. 8. c. 4.
33 H. 8. c. 20.
23.

V. *And albeit we the lords spiritual and temporal, and the commons, in this present parliament assembled, have firm hope and confidence in the goodness of Almighty God, that like as he hath hitherto miraculously preserved the Queen's majesty from many great and eminent perils and dangers, even so he will of his infinite goodness give her Highness strength, the rather by our continual prayers, to pass well the danger of deliverance of child, wherewith it hath pleased him (to all our great comforts) to bless her: yet forasmuch as all things of this world be uncertain, and having before our eyes the dolorous experience of the inconstant government during the time of the reign of the late King Edward the Sixth, do plainly see the manifold inconveniencies, great dangers and perils, that may ensue to this whole realm, if foresight be not used to prevent evil chances if they should happen: for the eschewing whereof we the lords spiritual, &c.*

If it please God to call the Queen before the issue of her body inheritable, if it be male shall accomplish the age of xviii years, or if female before it shall be of the age xv. years and not married, the King shall have the education and government of such issue, and of this realm, until the issue inheritable, if male, shall accomplish the age of xviii. years, and if female, until xv. years or marriage: and during such government, the articles comprised in the treatises and act of parliament concerning the marriage, which on the behalf of his Majesty been to be performed, shall continue. If any person, during the time that the King shall have the government of such issue, maliciously, advisedly and directly, by writing, printing, overt-deed or act, do compass, attempt, and go about to destroy the person of the King, or to remove his Highness from the government of the same, such offences shall be adjudged high treason. EXP.

VII. And be it further enacted by the authority aforesaid, That all trials hereafter to be had, awarded or made for any treason, shall be had and used, only according to the due order and course of the common laws of this realm, and not otherwise: saving to every person and persons, bodies politick and corporate, their heirs and successors, other than the offenders and their heirs, and such person and persons, as claim to any of their uses, all such rights, titles, interests, possessions, leases, rents, reversions, offices and other profits, which they or any of them shall have at the day of committing such treasons, or at any time afore, in as large and ample manner as if this act had never been had nor made.

VIII. Provided always, and be it declared and enacted by the authority aforesaid, That concealment or keeping secret of any high treason be deemed and taken only misprision of treason, and the offenders therein to forfeit and suffer, as in cases of misprision of treason hath heretofore been used; any thing above mentioned to the contrary notwithstanding.

Peers of this realm indicted of any of the offences made treason or misprision of treason by this act, shall have their trial by their peers. No person shall be impeached for any of the offences aforesaid, committed only by preaching of words, unless the offender be indicted within six months. EXP.

XI. Provided always, and be it enacted by the authority aforesaid, That upon the arraignment of any person which hereafter shall fortune to be arraigned for any treason mentioned in this act; all and every such person and persons (or two of them at the least) who shall hereafter write, declare, confess, or depose any thing or things against the person to be arraigned, shall, if living and within the realm, be brought forth in person before the party arraigned if he require the same, and object and say openly in his hearing, what they or any of them can against him, for or concerning any the treasons contained in the indictment, whereupon the party shall be so arraigned, unless the party arraigned for any such treason shall willingly confess the same at the time of his or their arraignment.

XII. Provided nevertheless, and be it enacted by the authority aforesaid, That in all cases of high treason concerning coin current within this realm, or for counterfeiting the King or Queen's signet, privy seal, great seal or sign manual, such manner of trial and none other be observed and kept, as heretofore hath been used by the common laws of this realm; any law, statute, or any other thing or things to the contrary notwithstanding.

XIII. Provided always, That the counsellors, procurers, comforters and abettors, for his or their first offence shall suffer like punishment, penalty and forfeiture, as is contained in this act against the principal offenders for their first offence, and none other: and that the counsellors, procurers, comforters and abettors, for his or their second offence shall sustain like punishment, penalty and forfeiture, as is contained in this act against the principal offender or offenders for their second offence, and none other.

C A P. XI.

An act for the punishment of the bringing in of the counterfeit coins of foreign realms, being current within this realm.

WHERE divers and sundry coins of gold and silver of other realms, not being of the proper coin of this realm of England, and yet by the sufferance and consent of the King and Queen our sovereign lord and lady, be current in payment within this realm, many ill disposed persons, for their own corrupt lucre and advantage, have now of late brought into this realm from the parts beyond the sea great quantity of forged and counterfeit money, like to the said coin of other foreign realms, and have uttered the same here by merchandizing and otherwise, to divers of the subjects of this realm, to their great deceit, hurt and damage; (2) because the said ill disposed persons have perceived and understood, that there was not, nor yet is, any sufficient law or statute made or provided for the condign punishment of the offenders in that behalf:

Bringers in of counterfeit coin into this realm shall be punished as traitors.

II. Wherefore be it enacted and established by the authority of this present parliament, That if any person or persons after the twentieth day of January next coming shall bring from

the parts of beyond the sea into this realm, or into any of the dominions of the same, any such false and counterfeit coin or money, being current within this realm, as is aforesaid, knowing the same coin or money to be false and counterfeit, to the intent to utter or make payment with the same within this realm, or any the dominions of the same, by merchandizing or otherwise; that all and every such person or persons so offending as aforesaid, their counsellors, procurers, aiders and abettors in that behalf, shall be deemed and adjudged to be offenders in high treason, and shall suffer, after lawful conviction or attainder thereof, such pains of death, loss and forfeiture of lands, goods and cattels, as other offenders shall do in cases of high treason.

The manner of indictment, trial, &c. of an offender for impairing or forging of coin.

III. And be it further enacted by the authority aforesaid, That all and every person or persons that shall at any time after the said twentieth day of *January*, be accused or impeached of any of the offences contained and provided for in this estatute, or of any other offence or offences concerning the impairing, counterfeiting or forging of any coin current within this realm, shall and may be indicted, arraigned, tried, convicted or attainted by such like evidence, and in such manner and form as hath been used and accustomed within this realm, at any time before the first year of the reign of our late sovereign lord King *Edward the Sixth*; any statute, custom, law or usage to the contrary thereof in any wise notwithstanding. 9 *Ed. 3. stat. 2. c. 2.*

C A P. XII.

An act for the impounding of distresses,

Where distresses taken, shall be impounded,
52 H. 3. c. 4.
3 Ed. 1. c. 16.
Co. Ent. 43.
Rast. 164.
Cro. El. 480,
646.
March 55.
2 Leon. 52.
Moor 451.
Goldsb. 100.
pl. 5. 145.
pl. 62.

FOR the avoiding of grievous vexations, troubles and disorder in taking of distresses, and impounding of cattle, (2) be it enacted by the authority of this present parliament, That from and after the first day of *April* next coming, no distress of cattle shall be driven out of the hundred, rape, wapentake, or lathę where such distress is or shall be taken, except it be to a pound overt within the same shire, not above three miles distant from the place where the said distress is taken: (2) and that no cattle or other goods distrained or taken by way of distress, for any manner of cause at one time, shall be impounded in several places, whereby the owner or owners of such distress shall be constrained to sue several replevies for the delivery of the said distress so taken at one time; (4) upon pain every person offending contrary to this act, shall forfeit to the party grieved; for every such offence, one hundred shillings, and treble damages.

How much may be taken for poundage.

II. And be it further enacted by the authority aforesaid, That after the said first day of *April*, no person or persons shall take for keeping in pound, impounding or poundage of any manner of distress, above the sum of four pence for any one whole distress, that shall be so impounded; and where less hath been used, there to take less; (2) upon the pain of five pounds, to be paid to the party grieved over and beside such money as he shall take above the sum of four pence; any usage or prescription to the contrary in any wise notwithstanding.

III. And

III. And for the more speedy delivery of cattle taken by way of distress, it is further enacted by the said authority, That every sheriff of shires, being no cities or towns made shires, shall at his first county-day, or within two months next after he hath received his patent of his office of sheriffwick, depute, appoint and proclaim in the shire-town within his bailiffwick, four deputies at the least, dwelling not above twelve miles one distant from another; (2) which said deputies so appointed and proclaimed, shall have authority in the sheriff's name to make replevies and deliverance of such distresses in such manner and form as the sheriff may and ought to do; (3) upon pain that every sheriff for every month that he shall lack such deputy or deputies, shall forfeit for every such offense, five pounds; (4) the one half of which forfeitures shall be to the King and Queen's highness, her heirs and successors, the other half to him that will sue for the same by bill, plaint, information or action of debt, in any the King and Queen's courts of record, in which no essoin, protection, or wager of law shall be admitted.

The sheriff shall appoint four deputies to make replevies.

C A P. XIII.

An act touching bailment of persons.

WHERE in the parliament holden at *Westminster* in the third year of the reign of the noble prince, King *Henry* the seventh, it was among other things ordained and enacted, That no prisoner arrested for felony, should be letten to bail or mainprise, by any one justice of peace, but by the whole justices, or at least by two of them, whereof one to be of the *quorum*; (2) since the making of which estatute, one justice of peace in the name of himself and one other of the justices his companion, not making the said justice party nor privy unto the case wherefore the prisoner should be bailed, hath oftentimes by sinister labour and means, set at large the greatest and notablest offenders, such as be not repleviable by the laws of this realm; (3) and yet the rather to hide their affections in that behalf, have signed the cause of their apprehension to be but only for suspicion of felony, whereby the said offenders have escaped unpunished, and do daily, to the high displeasure of Almighty God, the great peril of the King and Queen's true subjects, and encouragement of all thieves and evil-doers:

In what manner justices of peace may bail persons arrested of felony, or suspicion thereof, &c.
3 H. 7. c. 3.
1 Roll. 268.

II. For reformation whereof, be it ordained and enacted by the King and Queen's majesties, the lords spiritual and temporal and the commons in this present parliament assembled, and by authority of the same, That from and after the first day of *April* next coming, no justice or justices of peace shall let to bail or mainprise any such person or persons, which for any offence or offences by them or any of them committed, be declared not to be replevied or bailed, or be forbidden to be replevied or bailed by the statute of *Westminster primer*, made in the parliament holden the third year of the reign of King *Edward* the First.

None shall be let to bail, which be forbidden to be bailed by the statute of
3 Ed. 1. c. 15.

III. And furthermore, That any person or persons arrested

for man-slaughter or felony, or suspicion of man-slaughter or felony, being bailable by the law, shall not after the said first day of *April*, be let to bail or mainprise by any justices of peace, if it be not in open sessions, except it be by two justices of peace at the least, whereof one to be of the *quorum*, and the same justices to be present together at the time of the said bailment or mainprise; (2) which bailment or mainprise they shall certify in writing subscribed or signed with their own hands, at the next general gaol-delivery to be holden within the county where the said person or persons shall be arrested or suspected.

3 Bulfr. 113.

The justices duty in bailment of a prisoner, extended to such as shall be committed for man-slaughter, &c. 2 & 3 P. & M. c. 10. in examination of him and others, and certifying thereof 2 & 3 P. & M. c. 10. The coroner's duty upon an inquisition found before him.

IV. And that the said justices, or one of them, being of the *quorum*, when any such prisoner is brought before them for any man-slaughter or felony, before any bailment or mainprise, shall take the examination of the said prisoner, and information of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony shall put in writing before they make the same bailment; (2) which said examination, together with the said bailment, the said justices shall certify at the next general gaol-delivery to be holden within the limits of their commission.

V. And that every coroner, upon any inquisition before him found, whereby any person or persons shall be indicted for murder or man-slaughter, or as accessory or accessories to the same, before the murder or manslaughter committed, shall put in writing the effect of the evidence given to the jury before him, being material: (2) and as well the said justices, as the said coroner, shall have authority by this act, to bind all such by recognizance or obligation, as do declare any thing material, to prove the said murder or man-slaughter, offences or felonies, or to be accessory or accessories to the same, as is aforesaid, to appear at the next general gaol-delivery to be holden within the county, city, or town corporate where the trial thereof shall be, then and there to give evidence against the party so indicted at the time of his trial; (3) and shall certify as well the same evidence as such bond or bonds in writing, as he shall take, together with the inquisition or indictment before him taken and found, at or before the time of his said trial thereof to be had or made: (4) and likewise the said justices shall certify all and every such bond taken before them, in like manner as before is said of bailments and examination: (5) and in case any justice of peace or *quorum*, or coroner, shall after the said first day of *April*, offend in any thing contrary to the true intent and meaning of this present act, that then the justices of gaol-delivery of the shire, city, town or place where such offence shall happen to be committed, upon due proof thereof by examination before them, shall for every such offence set such fine on every of the same justices of peace and coroner, as the same justices of gaol-delivery shall think meet, and estreat the same, as other fines and amerziements assessed before the justices of gaol-delivery ought to be.

The penalty of any justice of peace or coroner omitting his duty.

VI. Provided always, and be it further enacted by the authority aforesaid, That justices of peace and coroners within the city of London, and the county of *Middlesex*, and in other cities, boroughs and towns corporate within this realm and *Wales*, shall within their several jurisdictions, have authority to let to bail felons and prisoners, in such manner and form as they have been heretofore accustomed; this act, or any thing therein contained to the contrary notwithstanding: (2) and also shall take examinations and bonds, as is aforesaid, upon every bailment by them or any of them to be made; (3) and shall certify every such bailments, bonds and examinations by them or any of them taken or made, at the next gaol-delivery to be holden within the shire, city, borough or town where their several jurisdictions extendeth, upon like pain and forfeiture as is before limited in this present act.

Justices of peace of London, Middlesex, &c.

VII. And be it also enacted by the authority aforesaid, That no writs of *habeas corpus* or *certiorari*, shall be hereafter granted to remove any prisoner out of any gaol, or to remove any recognisance, except the same writs be signed with the proper hands of the chief justice, or in his absence, one of the justices of the court out of which the same writs shall be awarded or made; (2) upon pain that he that writeth any such writs, not being signed as is aforesaid, to forfeit to our said sovereign lord the King and the Queen, for every such writ and writs, five pounds.

Removing of a prisoner, or recognisance.

31 Car. 2. c. 2.

C A P. XIV.

An act for making of russels sattens, sattens reverses, and fustians of Naples in Norwich.

WHERE of late years passed, russels, called russels sattens, and *sattens reverses*, have been practised to be made beyond the seas, of the wools bred in the county of *Norfolk*, and by reason thereof so great quantity of the said russels sattens, *sattens reverses*, have been brought into this realm, sold and worn as well in every part of this realm, as in the parts beyond the seas, that thereby the mysteries of worsteds making and weaving, whereby merchants and inhabitants of the city of *Norwich* have heretofore been well maintained and relieved, is now at this present almost wholly decayed and brought out of estimation, and very little worn, either within this realm, or in any other foreign realms, to the great hindrance and decay of the said city, and citizens of the same city: (2) for remedy whereof, *Thomas Marsham* mayor of the city of *Norwich*, *John Corbet Esq*; *Austin Steward*, *Robert Leche*, *Robert Ruge*, *John Ball*, and *Alexander Mather*, aldermen of the said city, *Thomas Wale*, *Thomas Pecke*, *Ralph Marsham*, *Robert Henry*, *John Sutton*, *Richard Tomson*, citizens and merchants of the said city, at their great costs and charges, as well in bringing of certain strangers from the parts beyond the seas into the said city, as also in making of lombes, and all other provision for the same; (3) and also have called unto them eight persons of the most discreet and worthy men of the mystery of worsted weaving

In what order russels sattens, &c. shall be made in Norwich.

wearing, within the said city, that is to say, John Cook, James Lin, John Crofs, Simon Petit, John Marthal, Roger Lecke, Edmund Barker, and Edmund Selers, being the number of one and twenty persons, which have not only made russels sattens, and sattens reverses, and fustians of Naples within the said city of Norwich of Norfolk wools; but also have learned and taught other citizens and inhabitants of the said city to make the same, in such good and perfect manner, that much better russels sattens, sattens reverses, and fustian of Naples, and such like, and for easier prices, be now at this present wrought and made within the said city, than heretofore have been, or now be made in any of the parts beyond the seas, whereby the said city and inhabitants thereof may, and be like again to be relieved and brought to the old estate, to the great advancement of the commodities of this realm, and enriching the same, if some good and politick laws and ordinances were made for the good continuance of the true making of the said russels sattens, sattens reverses, and fustian of Naples, and such like:

II. In consideration whereof, be it enacted, by the assent of the King and Queen's highness, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the said russels sattens, sattens reverses, and fustian of *Naples* hereafter to be made only within the said city, may from henceforth bear the name, and be called by the name of *Norwich* sattens, and *Norwich* fustians; and that the mayor and the aforementioned citizens of the said city, which before this time have been at the costs and charges of the bringing of the said strangers into the same city, for the making of the said russels sattens, sattens reverses, and fustians of *Naples*, and such the aforementioned eight persons that they have called unto them, shall be a fellowship of themselves; (2) and shall yearly the third day of *February* chuse of their fellows, four wardens within the guildhall of the said city, or any other common and convenient place in the same city; (3) and the same wardens so being chosen, shall stand and be wardens of the same fellowship during one whole year next ensuing the said election; (4) and that the same wardens, after the said election, shall come before the mayor of the said city for the time being, yearly the *Monday* next after the said third day of *February*, and before the said mayor shall be sworn, diligently to view, search and see all the russels sattens, sattens reverses, and fustian of *Naples* then made, or that shall be made within the said city during the said year: (5) and such of the said russels sattens, sattens reverses, and fustian of *Naples*, as shall appear and be deemed by them to be lawfully, truly and workmanly wrought, shall seal with a seal of lead, bearing the arms of the city of *Norwich*, whereby it may be known to the merchant or buyer of them, that the same be allowed, and truly made.

By what names russels sattens, sattens reverses, and fustians of Naples made in Norwich shall be called.

There shall be a body corporate and four wardens, to see and seal russels sattens, &c.

By whom and by what means

III. And that it also may be enacted by the authority aforesaid, That the said wardens and fellowship shall be a body corporate

porate, and to be named and be enabled by this act to sue and be sued, and to give and to take, by the name of wardens and fellowship of the mystery of ruffels fattens, fattens reverses and fustian of *Norwich* making, within the said city of *Norwich*; (2) And if any default at any time shall be found in any of the said ruffels fattens, fattens reverses and fustian of *Norwich*, or in any of them, by the said wardens, that the same default shall be reformed, and the offender or offenders therein to be punished, according to such rules and ordinances as hereafter from time to time shall be made within the said city, by the mayor of the said city for the time being, and by the said four wardens and the fellowship of the said occupation or mystery, or the greatest number of the said fellowship, for and concerning the same; (3) and that the same defaults from time to time, as occasion shall serve, shall be enquired of and tried before the mayor of the said city of *Norwich* for the time being, by the oaths of twelve honest men of the foresaid fellowship.

offenders shall
be enquired of
and punished.

IV. And that the said four wardens so chosen and sworn, shall have full power and authority to do, execute, present and reform all and singular thing and things, of, for and concerning the said mystery, making, working and occupying of the said ruffels fattens, fattens reverses and fustian of *Norwich*, within the said city, in such manner and form as in or by the said ordinances shall be expressed and declared; (2) and that at all times hereafter, and from time to time, it shall be lawful to the mayor of the said city for the time being, and to the before-named fellowship and wardens of the same mystery, and the more part of them, and to their successors, to make and ordain from time to time, rules, laws and ordinances, meet and necessary for the good order and governance of the said mystery, and for the true and well making of the said ruffels fattens, fattens reverses, and fustians of *Norwich*; (3) and the same ordinances so made, to be at all times obeyed by all the inhabitants of the said city or suburbs of the same, and to be put in due execution by the said mayor and wardens, and their successors for the time being, in such manner and form as by the said ordinance shall be ordained and declared.

The authority
of the four
wardens.

V. And that such as now be and that hereafter shall be makers of the said ruffels fattens, fattens reverses and fustian of *Norwich*, and every of them, within the said city, shall not from henceforth occupy the said mystery of making of the said ruffels fattens, fattens reverses, and fustian of *Norwich*, nor any of them, within the said city, by themselves, or by any other, before he or they so occupying the said mystery within the said city, be made free of the said city, and admitted to be of the said fellowship, by the mayor of the said city, and wardens and fellowship of the said mystery for the time being: (2) And that no person do occupy by himself, or any other for him, out of the said city, the said mystery of making ruffels fattens, fattens reverses and fustians of *Naples*, or of any of them, before he or they so occupying the same have been prentice to the said

Who may occupy
the trade
of making ruf-
fels fattens,
fattens rever-
ses, &c.

said mystery by the term of seven years, or else admitted by the said mayor and fellowship, or the more part of them; (3) upon pain of forfeiture of the same russels fattens, fattens reverses and fustian of *Norwich*; by them or any of them to be made contrary to the form of this act.

The mayor and wardens shall take nothing to their own use for admittance.

VI. Provided always, and be it enacted by the authority aforesaid, That the said mayor and wardens for the time being shall not take any sum of money or reward, to their own proper uses, for the admitting of any person or persons to occupy the said mystery, upon pain of forfeiture of treble the value of the reward or sum of money so by them or any of them to be taken.

VII. Provided also, That it shall be lawful to the said wardens, and to every of them for the time being, by all ways and means, and at all lawful times, diligently, from time to time, to make search, by due and ordinary ways, for all manner of the said russels fattens, fattens reverses and fustian of *Norwich*, that shall happen to be found by them defective, for lack of good and true workmanship.

The presentment, enquiry and trial of russels fattens, &c. suspected to be defective

VIII. And that it shall be lawful to the said wardens, and every of them for the time being, by virtue of this act, to seise and take the said russels fattens, fattens reverses and fustian, and bring and present the same clothes so seised and taken, to the mayor of the said city for the time being, and unto his successors, to the intent that twelve honest, lawful, and expert men of the said mystery and fellowship, being sworn before the said mayor, may by virtue of their oaths make enquiry, and present the manner of the said defaults, before the said mayor for the time being, according to such good and wholesom ordinances and rules as shall be ordained and made for the conservation and good continuance of the said occupation and mystery, and the true making and working of the said russels fattens, fattens reverses and fustians of *Norwich*: (2) And that all and every person and persons that shall occupy, use and exercise the said mystery or making of the said russels fattens, fattens reverses, and fustians of *Norwich*, or any of them, contrary to the form, tenor, plain meaning and intent of this act, and of the rules and ordinances that at any time hereafter, by authority of this act, shall be ordained and made for the continuance of the true and perfect making of the said russels fattens, fattens reverses and fustians of *Norwich*, shall forfeit and lose for every time so offending, or making any russels fattens, fattens reverses and fustian of *Norwich*, contrary to the meaning, tenor and effect of the said act, rules and ordinances concerning the same, such fines, americiaments and pains as shall be adjudged, assessed and offered by twelve expert men of the said fellowship upon their oaths, the same twelve persons to be sworn before the said mayor and wardens to enquire, and make true verdict and presentment of such defaults; (3) the one half of which forfeiture to be to the mayor of the said city for the time being and his successors, and the other moiety to the said wardens for the time being

being and their successors, by action of debt, bill, plaint or information in any court of record; in which action, bill, plaint or information, no wager of law, protection, injunction, or foreign plea shall be allowed.

IX. And in case it shall fortune hereafter, that any of the said russels fattens, fattens reverses, and fustians of *Norwich*, shall lack of such lengths and breadths, or of the true and ensuing making or sorting of the yarn, as shall be appointed and set forth by the said rules and ordinances, and the same so to be found defective by verdict of twelve men of the said fellowship, before the said mayor and wardens, and their successors, That then the said russels fattens, fattens reverses, and fustians of *Naples*, and every of them, so found defective, to be cut in two pieces; and to pay such fine or fines as shall be offered and assented by the said twelve expert men, by virtue of their oaths; (2) the one moiety of which fine or fines to be to the mayor of the said city for the time being, and to his successors, and the other moiety to the wardens of the said fellowship for the time being, and to their successors.

The penalty where the said fattens, &c. be found by verdict to be defective.

X. Provided always, and be it further enacted by the authority aforesaid, That if any warden or wardens for the time being, of the said mystery or occupation of making russels fattens, fattens reverses, and fustians of *Naples*, shall at any time hereafter seal, or cause to be sealed any russels fattens, fattens reverses, or fustians of *Naples*, that shall not be well, sufficient and truly wrought and made according to the true intent and meaning of this present act, he shall forfeit and lose for every piece so sealed, being not well, sufficient and truly wrought and made, the whole value of every such piece so sealed; (2) the one half of which forfeitures to be to the King and Queen's majesties, her heirs and successors, and the other moiety thereof to be to such person and persons as shall sue for the same by bill, action or information, in any of the King and Queen's courts of record; in which bill, action or information, no essoin, protection or wager of law shall be allowed.

The forfeiture of a warden that doth seal any russels fattens, &c. being defective.

C A P. XV.

An act to confirm the liberties of the lords marchers of Wales.

Humbly beseeching your excellent Majesties, your true and faithful subjects, the lords marchers, both spiritual and temporal, within your Highness dominion of Wales, That whereas in the parliament holden at Westminster, the xxvij. year of the reign of King Henry the Eighth, father unto you our natural sovereign Lady amongst other things, one act was made and established, for laws and justice to be ministred in the said dominion of Wales, in like form as it is in this realm of England: (2) In the which act one article is, That for that the lords marchers before the parliament had used to put their tenants within their lordships marchers under common mainprise and surety of appearance, and have had the forfeitures thereof, which for ever,

27 H. 8. c. 16.

What liberties the lords marchers in Wales shall have.

ever, from and after the feast of All Saints then next ensuing the said parliament, should utterly cease and be determined.

By the stat. of 27 H. 8. c. 26. every lord marcher temporal in Wales shall have the moiety of the forfeiture of his tenant.

II. It was enacted, That after the said feast of All Saints, every lay and temporal person then being a lord marcher, should have the moiety or half of every forfeiture of all and every common main-prize, recognisance for the peace or appearance, forfeited by any of their tenants inhabiting within any of their lordships marchers, (2) and they to be paid the same moiety or half by the hands of the sheriff of every of the counties where such forfeiture shall be, if the sheriff can levy the same; (3) and the said sheriff to account to our said late sovereign lord the King, for the other half or moiety, in such exchequer as they be accountant:

III. And further, it was enacted by the authority aforesaid, That all and every lay and temporal person or persons, then being lords marchers, and having any lordships marchers or lordships royal, should from and after the said feast of All Saints, have all such mises and profits of their tenants, as they have had, or used to have, at their first entry into their lands in times past: (2) And also should have, hold and keep within the precinct of their lordships, courts baron, courts leet and lawdays, and all and every thing to the said courts belonging; (3) and also should have within the precinct of their said lordships or lawday, waife, straise, insfang-thefe, oufang-thefe, treasure-trove, deodands, goods and chattels of felons, and of persons condemned or outlawed of felony or murder, put in exigent for felony or murder, and also wreck de mere, wharfage and customs of strangers, as they have had in times past, and as though such privileges were granted unto them by point of charter; any thing in that act to the contrary notwithstanding, as in the said act of parliament more at large it may appear:

IV. And forasmuch as bishops and other ecclesiastical persons being lords marchers, having the like liberties, casualties, profits and commodities, within their lordships marchers, and lordships royal, within the said dominion or principality of Wales, were not provided for by the express letter of the said statute, in like sort as the lay and temporal lords marchers were, but rather of purpose, as it should seem, forgotten and left out of the said act, against all reason and good equity: (2) And forasmuch also as the heirs and successors of the lay and temporal lords marchers then being, were not provided for by the limitation and express words of the said act, as well as their ancestors and predecessors were, as reason would they should have been:

V. It may please your Majesties of your most gracious favours and benignity, at the humble suit and supplication of your said faithful subjects, the lords marchers that now are in the said dominion of Wales, both spiritual and temporal, to grant that it may by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, Be ordained, established, and enacted by the authority of this present parliament assembled, That as well your said spiritual and ecclesiastical subjects, lords marchers, now having lordships marchers or lordships royal in Wales aforesaid, and their successors, and the successors of every of them, as also the heirs and successors of the

What forfeitures and benefits the lords marchers, both spi-

lords

lords temporal marchers that then were, or now be, and the heirs and successors, of every of them, being or which hereafter shall be lords marchers, within their lordships marchers and lordships royal in the dominion or principality of *Wales*, shall have and enjoy to them, and to their heirs and successors respectively and severally for ever, the moiety and half of every forfeiture of all and every common mainprise, recognisance for the peace or appearance, forfeited by any their tenants inhabiting within any of their lordships marchers or lordships royal; (2) and they to be paid the same moiety or half by the hands of the sheriff of the county for the time being, after such form and sort as the said lay or temporal lords marchers have been or ought to have been paid the same, by force of the said statute:

ritual and temporal in *Wales*, shall have of their tenants. Co. pla. fol. 550.

VI. And further, shall have all such mises and profits of their tenants, as the lords marchers, spiritual or temporal, respectively or severally had or used to have at their first entry into their lands in times past before the making of the said act or statute: (2) And also shall have, hold and keep within the precinct of their said lordships all such courts-baron, courts-leet and lawdays, and all and every thing and things to the same courts belonging: (3) And also shall have within the precinct of their said several lordships or lawdays, all such waife, strafe, infang-thefe, outfang-thefe, treasure-trove, deodands, goods and chattels of felons, and of persons condemned or outlawed of felony or murder, put in exigent for felony or murder, and also all such wreck *de mere*, wharfage, and customs of strangers, as the lords marchers spiritual and temporal respectively and severally had and used in times past, before the making of the said statute.

The mises, profits, liberties and franchises of lords marchers reformed.

CAP. XVI.

The statutes made *anno* 23 H. 8. c. 7. 23 H. 8. c. 3 & 17. 24 H. 8. c. 9. 28 H. 8. c. 6, 8, 9. 31 H. 8. c. 7. 35 H. 8. c. 17. 37 H. 8. c. 23. 2 & 3 Ed. 6. c. 9. 3 & 4 Ed. 6. c. 19 & 21. 5 & 6 Ed. 6. c. 14. 7 Ed. 6. c. 11. 1 Mar. sess. 2. c. 12 & 13. revived, and made to continue until the last day of the next parliament. EXP. 1 Eliz. c. 18.

CAP. XVII.

An act touching leases hereafter to be made by certain spiritual persons.

WHERE in the parliament begun and holden at Westminster the eighth day of June in the xxviii. year of the reign of our late King of famous memory, Henry the Eighth, and there continued and kept until the dissolution of the same parliament the eighteenth day of July next following, one act entituled, *An act for the restitution of the first-fruits in the time of vacation to the next incumbent, was had and made, wherein are certain clauses for leases then made and to be made by spiritual and ecclesiastical persons, to endure and be in force for term of six years, if the incumbents did resign their said spiritual promotions, or if the same should otherwise*

So much of the stat. of 28 H. 8. c. 11. as concerneth the ratifying of a lease made by a spiritual person of his benefice to a lay man, for some years after the lessor's

resignation or death, altered.

become void by the only act of the same incumbents, as by the same act more at large may appear: (2) To the intent the parsons and vicars, and others having cure of souls, may the better attend, and be the more vigilant in their ministry and function;

The stat. of 28 H. 8. c. 11. shall not extend to leases hereafter to be made by spiritual persons.

II. Be it enacted by the King our sovereign lord, and by the Queen our sovereign lady, with the assents of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That as much of the same act as doth concern the making good of the said leases, ne any clause, sentence, provision or article therein contained, shall extend or be construed or adjudged to extend to any lease that shall be made by any parson, vicar, or any other having any spiritual promotion after the feast of the purification of our Lady next coming. 13 El. c. 20. 14 El. c. 11.

Anno secundo & tertio Philippi & Mariæ.

ACTS made at a parliament begun and holden at Westminster the one and twentieth day of October in the second and third year of the reign of our most gracious sovereign lord and lady Philip and Mary, by the grace of God, King and Queen of England, France, Naples, Jerusalem and Ireland, defenders of the faith; princes of Spain and Sicily; archdukes of Austria; dukes of Milan, Burgundy and Brabant; counties of Hapsburg, Flanders, and Tyroll; and there continued and kept until the dissolution of the same, being the ninth day of December then next ensuing, were enacted as followeth.

CAP. I.

Commissions shall be awarded to certain persons, to enquire what and how many castles, fortresses, villages, houses and habitations, have been decayed within the counties of Northumberland, Westmorland, and the bishoprick of Durham, and by whom, and by what means, and how many are meet to be re-edified, and how many are fit to be made of new, and in what places; and what parts of the said counties and bishopricks be apt to be inclosed, and converted to tillage, or other necessary manurance; and what persons be owners, lords, fermors and possessors of the same, or claim any interest therein, and what estates they have; and thereupon to take such order for the re-edifying of such castles, houses, &c. and for the new erecting of others; and for the inclosing of such parts as shall be thought convenient. EXP. & REP. 4 Jac. 1. c. 1.

CAP. II.

A confirmation of the statute of 4 H. 7. c. 19. touching maintaining of houses of husbandry, and land convenient for the upholding of tillage. Commissions shall be awarded to certain persons to enquire, hear and determine all defaults and offences committed since anno 20 H. 8. or hereafter to be committed contrary to the tenor of the said statute of 4 H. 7. and the statute of 7 H. 8. c. 1. Which commissioners shall and may

may bind by recognisance in good sums of money to the King and Queen's use, the persons offending in any decays or defaults, for the re-edifying of decayed houses, for the converting of pasture into tillage again, and for the destroying and dimmitting of conies in a ground in or near any corn field, not being lawful warren. To endure to the last day of the next parliament.

C A P. III.

An act for the keeping of milch kine, and for breeding and rearing of calves.

FOrasmuch as of late years a great number of persons within this realm have laid their lands, farms and pastures to feeding of sheep, oxen, rants, shrubs, steers and heifers, and such other like cattle, having no regard or care to breed and rear up young beasts and cattle, whereby is grown great scarcity of cattle, and victual necessary for the sustenance of divers sorts of people within this realm, and more is like to be, if speedy remedy be not provided.

II. It is therefore by the authority of this present parliament enacted, That every person which from the feast of the purification of our Lady next ensuing, shall keep or feed above the number of six score there sheep for the most part of the year, upon his or her several pastures, lands, feedings or farms apt or meet for milch kine, and wherein no other person hath at the making of this present act common for any cattle at any time of the year, shall by authority of this act yearly so long as he shall keep or feed the said number of six score there sheep, for every three score there sheep so kept or fed, keep one milch cow, and shall breed and rear up yearly for every six score there sheep so kept as is aforesaid, one calf; (2) upon pain of forfeiture for every month that any such person shall not for every three score there sheep as is aforesaid, keep and feed one milch cow, xx. s. for every cow so not kept: (3) And for lack of rearing and breeding of one calf for every six score there sheep, to forfeit likewise xx. s. for every calf so not reared and fed.

III. And that every person which after the aforesaid feast of the purification of our Lady, upon his or her several pastures as afore is said, shall keep or feed above the number of twenty oxen, rants, shrubs, steers, heifers or kine, shall by authority of this act, for every ten beasts of the said sorts so kept and fed, keep and nourish one milch cow, and breed, rear and waine yearly, and keep for one whole year, one calf for every two milch kine so charged to be kept, upon the several pains and forfeitures afore rehearsed, except the said calf or calves shall chance to die within the said year, without covin or fraud there-to added; (2) the one half of which said forfeitures shall be to the use of our said sovereign lord and lady the King and Queen's majesties; and the other half to the use of the party that within one year after the offence committed will sue for the same in any of the King and Queen's majesties courts of record, or before the justices of peace in the same shire where any such cause of forfeiture shall be had, at the general sessions (who by

By the stat. of 7 Jac. 1. c. 3. this statute shall extend to grounds hereafter to be enclosed.

A cow shall be kept for sixty sheep, and a calf reared for 120 sheep.

A milch cow shall be kept for ten beasts fed, and for two kine a calf reared.

authority of this act shall have power to hear and determine the said offences) by bill, information, presentment, action of debt or detinue; in which action or suit no essoin, protection, wager of law or licence to the contrary shall be allowed.

Sheep kept, or beasts fed to be spent in the owner's house.

IV. Provided always, That this act, nor any clause thereof, shall be extended to bind any person to keep milch kine, nor yet to breed or rear up calves, as afore is expressed, for such sheep or other beasts as the same persons shall keep or feed, to the intent only to be spent in his or their house or houses, without fraud or covin. (2) This act to endure only unto the end of seven years next following the feast of the Purification of our Lady aforesaid, and from thence to the end of the parliament then next following. *Made perpetual by 13 Ed. c. 25.*

7 Jac. 1. c. 8.

CAP. IV.

The payment of the first-fruits of spiritual livings to the Queen shall cease. The yearly tenths heretofore paid to the Queen by the statute of 26 H. 8. c. 3. shall be employed to other godly uses. Parsonages impropriate, tithes, glebe lands, and other ecclesiastical livings, renounced by the Queen. But this act shall not extend to tenths reserved upon letters patents. Rep. 1 Eliz. c. 4.

CAP. V.

EXP.

The statute of 22 H. 8. c. 12. and 3 & 4 Ed. 6. c. 16. concerning beggars, vagabonds and idle persons, shall be put in execution. Relief for the aged and impotent poor of every parish, shall be gathered weekly of the charitable devotion of the inhabitants. A remedy where a parish is not able to relieve the poor therein, and where a town surcharged with poor standeth in or near two counties: and where there be several parishes in a city, borough or town. A poor man licensed to beg, shall wear a badge on his breast and back openly. *To endure to the end of the first session of the next parliament.*

CAP. VI.

12 Car. 2. c. 24. An act against the excessive taking of the King and Queen's majesties purveyors. Purveyors taking contrary to order shall be punished. Great annoyance done by the King's purveyors. No commission shall continue above six months. The county shall be named where things shall be taken. The proportion and number of things taken. Blanks in parchment for every county where any thing shall be provided. The constable's name subscribed. The purveyor shall make a docket of all things by him taken. Dockets shall be delivered to the justices of peace. Former statutes provided for purveyors shall be observed. Statutes provided for purveyors shall extend to their deputies. The purveyor's commission shall be written in English.

CAP. VII.

An act against the buying of stolen horses.

Further provisions relating hereto, 31 El. c. 12. In what manner horses shall be sold in fairs or markets.

FORASMUCH as stolen horses, mares and geldings, by thieves and their confederates, be for the most part sold, exchanged, given or put away in houses, stables, back-sides and other secret and privy places of markets and fairs, and the toll also privily paid for the same, whereby the true owners thereof, being not able to try the falshood and covin betwixt the buyer and seller of such horse, mare or gelding, is by the common law of this realm without remedy:

II. Be

II. Be it therefore enacted by the authority of this present parliament, That the owner, governor, ruler, fermor, steward, bailiff, or chief keeper of every fair and market overt within this realm, and other the Queen's dominions, shall before the fea of *Easter* next, and so yearly, appoint and limit out a certain and special open place within the town, place, field or circuit, where horses, mares, geldings and colts have been and shall be used to be sold in any fair or market overt; (2) in which said certain and open place, as is aforesaid, there shall be, by the said ruler or keeper of the said fair or market, put in and appointed one sufficient person or more, to take toll and keep the same place from ten of the clock before noon until sun-set of every day of the foresaid fair and market, upon pain to lose and forfeit for every default forty shillings: (3) and that every toll-gatherer his deputy or deputies, shall, during the time of every the said fairs and markets, take their due and lawful tolls for every such horse, mare, gelding or colt, at the said open place to be appointed as is aforesaid, and betwixt the hours of ten of the clock in the morning and sun-set of the same day, if it be tendred, and not at any other time or place; (4) and shall have presently before him or them, at the taking of the same toll, the parties to the bargain, exchange, gift, contract, or putting away of every such horse, mare, gelding or colt; and also the same horse, mare, gelding and colt so sold, exchanged or put away; (5) and shall then write or cause to be written in a book to be kept for that purpose, the names, surnames, and dwelling-places of all the said parties, and the colour with one special mark at the least, of every such horse, mare, gelding and colt; (6) in pain to forfeit at and for every default contrary to the tenor thereof, forty shillings.

III. And the said toll-gatherer or keeper of the said book shall within one day next after every such fair or market bring and deliver his said book to the owner, governor, ruler, steward, bailiff or chief keeper of the said fair or market, who shall then cause a note to be made of the true number of all horses, mares, geldings and colts sold at the said market or fair, and shall there subscribe his name, or set his mark thereunto; (2) upon pain to him that shall make default therein, to lose and forfeit for every default forty shillings; and also answer the party grieved by reason of the same his negligence in every behalf.

IV. And be it further enacted by the authority aforesaid, That the sale, gift, exchange, or putting away after the last day of *February* now next coming, in any fair or market overt, of any horse, mare, gelding or colt, that is or shall be thievishly stolen, or feloniously taken away from any person or persons, shall not alter, take away, nor exchange the property of any person or persons to or from any such horse, mare, gelding or colt, unless the same horse, mare, gelding or colt shall be in the time of the said fair or market wherein the same shall be so sold, given, exchanged, or put away, openly ridden, led,

The former misuse in sale of stolen horses.

A place shall be appointed for a horse-fair, and also a toll-taker.

When, where and of whom toll for horses shall be taken.

A note of all horses sold in a fair or market.

The using of a stolen horse in a fair, or, &c. before the owner's property shall be taken away.

walked, driven or kept standing by the space of one hour together at the least, betwixt ten of the clock in the morning and the sun-setting, in the open place of the fair or market wherein horses are commonly used to be sold, and not within any house, yard, back-side or other privy or secret place, and unless all the parties to the bargain, contract, gift or exchange, present in the said fair or market, shall also come together, and bring the horse, mare, gelding or colt so sold, exchanged given or put away, to the open place appointed for the toll-taker, or for the book-keeper where no toll is due, and there enter or cause to be entered their names and dwelling-places, in manner as is aforesaid, with the colour or colours, and one special mark at the least of every the same horses, mares, geldings or colts, in the toll-taker's book, or in the keepers book for that purpose where no toll is due, as is aforesaid, and also pay him their toll, if they ought to pay any; and if not, then the buyer to give one penny for the entry of their names, and executing the other circumstances afore rehearsed, to him that shall write the same in the said book.

V. And if any horse, mare, gelding or colt, that is or shall be thievishly stolen or taken away, shall after the said last day of *February* next coming be sold, given, exchanged or put away, in any fair or market, and not used in all points according to the tenor and intent of this estatute, that then the owner of every such horse, mare, gelding or colt, shall and may by force of this estatute seize or take again the said horse, mare, gelding or colt, or have an action of detinue or replevin for the same; any sale, gift, exchange, or putting away of any such horse, mare, gelding or colt, other than according to this estatute, in any wise notwithstanding.

VI. The one half of all which forfeitures to be to the King and Queen's majesties; her heirs and successors, and the other to him or them that will sue for the same before the justices of peace, or in any of the King's and Queen's majesties ordinary courts of record, by bill, plaint, action of debt or information, in which suits no protection, essoin or wager of law shall be allowed.

VII. And be it enacted by the authority aforesaid, That the justices of peace of every place and county, as well within liberties as without, shall have authority in their sessions, within the limits of their authority and commission, to enquire, hear and determine all offences against this estatute, as they may do any other matter triable before them.

VIII. Provided always, That in every such fair or market, where any toll is nor shall be due ne leviable, by reason of the freedom, liberty or privilege of the said fair or maket, the keeper or keepers of the book, touching the execution of this present act, shall take nor exact but one penny upon and for every contract, for his labour in writing the entry concerning the premisses, in manner and form as is before declared.

The justices of peace shall hear and determine the offences aforesaid.

The allowance of the keeper of the book where no toll is due.

CAP. VIII.

The statute for mending of highways.

FOR amending of highways, being now both very noisom and tedious to travel in, and dangerous to all passengers and carriages :

(2) Be it enacted by the authority of this present parliament, Who shall be charged towards the mending of highways. Surveyors shall be appointed for the amendment of highways. (3) the which persons shall have authority by virtue hereof, to order and direct the persons and carriages that shall be appointed for those works, by their discretions; (4) and the said persons so named shall take upon them the execution of their said offices, upon pain every of them making default, to forfeit twenty shillings.

II. And the said constables and church-wardens shall then also name and appoint four days for the amending of the said ways, before the feast of the nativity of Saint *John Baptist* then next following; (2) and shall openly in the church the next *Sunday* after *Easter* give knowledge of the same four days; (3) and upon the said days the parishioners shall endeavour themselves to the amending of the said ways; (4) and shall be chargeable thereunto as followeth; that is to say, every person for every plow-land in tillage or pasture that he or she shall occupy in the same parish, and every other person keeping there a draught or plough, shall find and send at every day and place to be appointed for the amending of the ways in that parish as is aforesaid, one wain or cart furnished after the custom of the country with oxen, horses or other cattle, and all other necessaries meet to carry things convenient for that purpose, and also two able men with the same, upon pain of every draught making default, ten shillings; (5) and every other housholder, and also every cottager and labourer of that parish, able to labour, and being no hired servant by the year, shall by themselves or one sufficient labourer for every of them, upon every of the said four days, work and travel in the amendment of the said highways, upon pain of every person making default, to lose for every day twelve pence. (6) And if the said carriages of the parish, or any of them, shall not be thought needful by the supervisors to be occupied upon any of the said days, that then every such person that should have sent any such carriage, shall send to the said work for every carriage so spared two able men, there to labour for that day, upon pain to lose for every man so sent to the said work, twelve pence. (7) And every person and carriage aforesaid shall have and bring with them such shovels, spades, picks, mattocks,

Necessary tools shall be brought to be

used about
highways.

mattocks, and other tools and instruments, as they do make their own ditches and fences withal, and such as be necessary for their said work : (8) and all the said persons and carriages shall do and keep their work as they shall be appointed by the said supervisors, or one of them, eight hours of every of the said days, unless they shall be otherwise licenced by the said supervisors, or one of them. (9) And be it enacted by the authority aforesaid, That the steward and stewards of every leet or law-day shall therein have full power and authority to enquire by the oaths of the suiters, of all and every the offences that shall be committed within the leet or law-day, against every point and article of this estatute, and to assess such reasonable fines and amerçiements for the same, as shall be thought meet by the said steward : (10) and in default of such enquiry or presentment, the justices of peace of every place or county shall have authority to enquire of the same offences which shall be committed within the limits of their commission at every their quarter-sessions, and to assess such fines therefore as they or two of them, whereof one to be of the *quorum*, shall think meet : (11) and the steward of every leet and law-day shall make estreats indented of all the fines, forfeitures and amerçiements for the defaults presented before him, and shall deliver the one part thereof sealed and signed by him, to the bailiff and high constable of every hundred, rape, lathe or wapentake wherein the defaults shall be presented, and the other part to the constable and church-wardens of the parish wherein the defaults were made ; the same to be yearly delivered within six weeks after the feast of Saint *Michael* the archangel : (12) and the clerk of the peace shall make the like estreats indented, of the fines, forfeitures and amerçiements, for the defaults presented before the justices of peace, and shall seal, subscribe and deliver the same in like sort as is aforesaid ; (13) the which estreats, and every of them, shall be a sufficient warrant to the said bailiff or chief constable to levy the said amerçiements, fines and forfeitures by way of distress : (14) and if no sufficient distress can be found by the said bailiff or head constable, or if the said offender shall obstinately refuse to pay the said amerçiement, fine or forfeiture, and do not pay the same within twenty days after a lawful demand of the same by the said officer, that then every such person to forfeit the double sum that he should before have paid.

What officers
may enquire
of offences.

The penalty
for refusing
to pay the
forfeitures.

The constables
account.

III. And be it further enacted, That every of the said bailiffs and head constables shall at least once every year betwixt the first of *March* and the last day of *April*, make a true account and payment of all such sums of money, to the constable and church-wardens of every parish wherein the offences were committed, or to two of them, as he shall have collected upon any of the said estreats, upon pain to forfeit for every time he shall not so do, forty shillings.

How the for-
feitures shall
be employed.

IV. And be it enacted by the authority aforesaid, That all fines, amerçiements and forfeitures, which shall be due for any

any offence against this purvey of the estatute, shall be to the church-wardens of every parish wherein the offences shall be committed, to be bestowed on the highways in the said parishes: (2) and the said church-wardens shall have authority to call the said bailiff and head constable to account before the justices of peace or two of them, whereof one to be of the *quorum*, by bill information or otherwise: (3) the which justices shall have authority to take the said account, and to commit the said bailiff or head constable to prison, there to remain until he shall pay all such arrearages as shall be adjudged by the said justices; (4) and every of the said bailiffs and head constables, upon their accounts, shall have allowed for every pound he shall collect and pay, eight pence for his own pains, and twelve pence for the fees of the clerk of the peace, or steward of the leet, for the estreats indented of every severall parish that they shall deliver as aforesaid; (5) and the successors of every church-wardens shall have the like action of account against their predecessors, as is before appointed against the bailiffs. (6) This act to continue for seven years next after the beginning of this parliament, and to the end of the next parliament then next following. *Revised by 5 El. c. 13. and made perpetual by 27 El. c. 24. 29 El. c. 5. 13 & 14 Car. 2. c. 6.*

The bailiff and head constables account.

C A P. IX.

An act to avoid divers licences for houses where unlawful games be used.

MOST humbly beseecheth the Queen's most excellent highness, your loving and obedient subjects, the commons in this your present parliament assembled, That where by reason of divers sundry licences heretofore granted to divers persons, as well within the city of London and the suburbs of the same, as also in divers other places within your Highness realm, for the having, maintaining and keeping of houses gardens and places for bowling, tennis, dicing, white and black, making and marring, and other unlawful games prohibited by the laws and statutes of this realm, divers and many unlawful assemblies, conventicles, seditions and conspiracies have and been daily secretly practised by idle and misruled persons repairing to such places; of the which, robberies and many other misdemeanors have ensued to the breach of your Highness's peace: (2) for remedy whereof, it may please your Highness that it may be enacted by your Highness, the lords spiritual and temporal, and the commons, in this present parliament assembled, That from and after the feast of the birth of our Lord God now next coming, every licence, placard or grant made to any person or persons, for the having, maintenance, or keeping of any bowling-allies, dicing-houses, or other unlawful games, prohibited by the laws and statutes of this realm, shall be from the said feast utterly void and of none effect.

All licences to keep houses for unlawful games shall be void. The inconveniencies of permitting houses for unlawful games. 33 H. 8. c. 9. 16 Car. 2. c. 7. 9 An. c. 14.

All licences to keep such houses shall be void.

C A P. X.

An act to take examination of prisoners suspected of any manslaughter or felony.

Justices of peace shall examine persons arrested of felony, &c. and shall bind their accusers to give evidence against them.

3 & 2 Ph. & M. C. 13.

WHERE in the last parliament holden at Westminster, amongst other things it was enacted, That such justices of the peace as have authority to bail any prisoners brought before them for any manslaughter or felony, before any bailment or mainprize, should take the examination of the said prisoner, and information of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony, shall put in writing before they make the same bailment; (2) which said examination, together with the said bailment, the said justices shall certify at the next general gaol-delivery to be holden within the limits of their commission, as by the same act more plainly is contained, and may appear:

II. And forasmuch as the said act doth not extend to such prisoners as shall be brought before any justices of peace for manslaughter or felony, and by such justice shall be committed to ward for the suspicion of such manslaughter or felony, and not bailed, in which case the examination of such prisoner, and of such as shall bring him, is as necessary, or rather more than where such prisoner shall be let to bail or mainprize:

A justice of peace shall examine him that is suspected of felony, before he be committed to prison.

(2) be it therefore enacted by the authority of this present parliament, That from henceforth such justice or justices before whom any person shall be brought for manslaughter or felony, or for suspicion thereof, before he or they shall commit or send such prisoner to ward, shall take the examination of such prisoner, and information of those that bring him, of the fact and circumstance thereof, and the same, or as much thereof as shall be material to prove the felony, shall put in writing within two days after the said examination; (3) and the same shall certify in such manner and form, and at such time, as they should and ought to do, if such prisoner so committed or sent to ward had been bailed or let to mainprize, upon such pain as in the said former act is limited and appointed for not taking, or not certifying, such examinations as in the said former act is expressed. (4)

Binding of the accusers to give evidence against the prisoner.

And be it further enacted, That the said justices shall have authority by this act, to bind all such by recognizance or obligation, as to declare any thing material to prove the said manslaughter or felony against such prisoner as shall be so committed to ward, to appear at the next general gaol-delivery to be holden within the county, city or town corporate where the trial of the said manslaughter or felony shall be, then and there to give evidence against the party; (5) and that the said justices shall certify the said bonds taken before them, in like manner as they should and ought to certify the bonds mentioned in the said former act, upon pain as in the said former act is mentioned, for not certifying such bonds as by the said former act is limited and appointed to be certified.

CAP. XI.

An act touching weavers.

FORASMUCH as the weavers of this realm have as well at this present parliament, as at divers other times, complained that the rich and wealthy clothiers do many ways oppress them, some by setting up and keeping in their houses divers looms, and keeping and maintaining them by journeyemen and persons unskilful, to the decay of a great number of artificers which were brought up in the said science of weaving, their families and household; (2) some by ingrossing of looms into their hands and possessions, and letting them out at such unreasonable rents, as the poor artificers are not able to maintain themselves, much less their wives, families and children; (3) some also by giving much less wages and hire for the weaving and workmanship of clothes, than in times past they did, whereby they are enforced utterly to forsake their art and occupation wherein they had been brought up:

Who shall use
the trade of
weaving.

II. It is therefore for remedy of the premisses, and for the avoiding of a great number of inconveniencies which may grow (if in time it be not foreseen) ordained, established and enacted by authority of this present parliament, That no person using the feat or mystery of cloth-making, and dwelling out of a city, borough, market town or corporate town, shall from the feast of St. Michael the archangel now next ensuing keep, retain or have in his or their house or possession any more or above one woolen loom at one time; (2) nor shall by any means directly or indirectly receive or take any manner profit, gain or commodity, by letting or setting any loom, or any house wherein any loom is or shall be used and occupied, which shall be together by him set or let; (3) upon pain of forfeiture for every week that any person shall do contrary to the tenor and true meaning hereof, twenty shillings.

No clothier
shall keep
above one
woolen loom.

III. And be it further ordained and enacted by like authority, That no woolen weaver using or exercising the feat or mystery of weaving, and dwelling out of a city, borough, market town or town corporate, shall after the said feast have or keep at any one time above the number of two woolen looms, or receive any profit, gain or commodity, directly or indirectly as is afore said, by any more than two looms at one time, upon pain to forfeit for every week that any person shall offend or do to the contrary, twenty shillings.

No weaver
shall have
above two
woolen looms.

IV. And it is further ordained and enacted by like authority, That no person which shall after the said feast use, exercise or occupy only the feat or mystery of a weaver, and not cloth-making, shall during the time that he shall use the feat or mystery of a weaver, keep or have any tucking-mill, or shall use or exercise the feat or mystery of a tucker, fuller or dyer, upon pain to forfeit for every week that he shall so do, twenty shillings.

No weaver
shall have a
tucking-mill.
Skinner 428.

V. And it is further ordained and enacted by the like authority, That no person which after the said feast shall use, exercise or occupy the feat or mystery of a tucker or fuller, shall during the time that he shall so use the said feat or mystery, keep

No tucker or
fuller shall
have above
one loom.

or

or have any loom in his house or possession, or shall directly or indirectly take any profit or commodity by the same, upon pain to forfeit for every week, twenty shillings.

In what places
only woolen
clothes may
be woven.
4 & 5 Ph. & M.
c. 5.

VI. And it is further ordained and enacted by like authority, That no person whatsoever, which heretofore hath not used or exercised the feat, mystery or art of cloth-making, shall after the said feast make or weave, or cause to be made or woven, any kind of broad white woolen clothes, but only in a city, borough, town corporate or market town, or else in such place or places where such clothes have been used to be commonly made by the space of ten years next before the making of this act, upon pain of forfeiture for every cloth otherwise made, five pound.

A weaver
shall have but
two appren-
tices.

Repealed by
5 El. c. 4.

VII. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful to any person or persons, being a weaver, or that doth or shall use the art or mystery of a weaver or weaving, dwelling out of a city, borough, town corporate or market-town, to have in his and their service any more or above the number of two apprentices at one time, upon pain to forfeit for every time that he shall offend or do contrary to this branch or article, the sum of ten pound.

None shall be
a weaver but
he which hath
been an ap-
prentice.
5 & 6 Ed. 6.
c. 2.

VIII. And be it further enacted by the authority aforesaid, That it shall not be lawful to or for any person or persons, to set up the art or mystery of weaving, after the said feast of Saint *Michael*, unless the same person or persons so setting up the same art or mystery of weaving, have been apprentice to the same art or mystery, or exercised the same by the space of seven years at the least, upon pain of twenty pounds to be forfeited to the King and Queen's majesties, her grace's heirs or successors; (2) the one moiety of all which forfeitures shall be to the King and Queen's highness, her heirs and successors, and the other moiety to him or them that will sue for the same in any court of record, by action of debt, bill, plaint or information; wherein no wager of law, essoin or protection shall be admitted or allowed for the defendant.

The inhabi-
tants of cer-
tain counties
which shall
not be pre-
judiced by this
statute.

IX. Provided always, and be it enacted by the authority aforesaid, That this act, nor any thing therein contained, shall in any wise extend or be prejudicial to any person or persons that doth or shall dwell in the counties of *York*, *Cumberland*, *Northumberland* and *Westmorland*, but that they and every of them shall and may have and keep looms in their houses, and do and exercise all and every thing and things, for or concerning spinning, weaving, cloth-working and cloth-making in the said counties, as they or any of them might have done or exercised lawfully before the making of this estatute; any thing contained in this estatute to the contrary in any wise notwithstanding.

C A P. XII.

An act for the sealing and viewing of cloths, commonly called Bridgwaters.

WHERE before this time the boroughs and towns of Bridgwater, Taunton and Chard in the county of Somerset have been well and substantially inhabited, occupied, maintained and upholden, for the most part by reason of the making of woolen clothes, commonly called Bridgwater, Taunton, and Chard clothes, which in times past were much desired, as well beyond the seas, as in the realm of England, and thereby the inhabitants and poor people of the said boroughs and towns, and of the country thereabouts, were daily set on work, and had sufficient living by the same; and where also the said towns in times past were of great force and strength to serve the King and Queen's highness progenitors and ancestors, kings of this realm: (2) forasmuch as of late days divers persons inhabiting and dwelling in villages, hamlets and small towns of husbandry in the said county of Somerset, which were never prentices, or skilful in making of the said clothes, as well for their private wealths and commodity, as also because they would be out of due search of their clothes to be made according to the statute therefore provided, not regarding the maintenance of the said boroughs and towns, nor the common-wealth of the handicraftsmen, and other poor people which chiefly had their living and sustenance by making of the said cloth, have of late days exercised, used and occupied the mysteries of cloth-making, weaving, fulling and shearing, within their houses, and have so deceitfully made, wrought and stretched the said clothes, to the infamy and slander of cloth-making, in such sort and manner, that not only the same sorts of clothes are grown out of estimation, but also the said towns are in great decay, ruin and depopulation:

II. For remedy whereof, be it enacted by the authority of this present parliament, That no person whatsoever inhabiting or which shall hereafter inhabit within the said county, shall after the feast of the purification of our Lady next coming, commonly called *Candlemas*, put to sale any kind of such clothes as is aforesaid, or clothes of like nature, making and sort, made or to be made within the said county, except such cloth be first viewed, searched and seen, in one of the boroughs or towns aforesaid, whether the same be perfectly and truly made according to the statute; (2) and also that the same be sealed with the seal of one of the said boroughs or towns, in such sort, manner and form, as in the statute made in the fifth year of the reign of our late sovereign lord King *Edward* the Sixth, intituled, *An act for the true making of woolen cloth*, is for sealing of clothes provided and enacted; (3) upon pain that every person offending or doing contrary to the true meaning of this act, shall forfeit the cloth sold, or the value thereof: (4) the moiety of all which forfeitures shall be to our sovereign lord and lady the King and Queen's majesties, the heirs and successors of the Queen's majesty, and the other half to him or them that will sue for the same in any of the King and Queen's majesties courts

In what manner clothes called Bridgwaters shall be used before they be bought and sold.

No Bridgwater cloth shall be sold before it be viewed, searched and sealed.

5 & 6 Ed. 6.
c. 6.

courts of record, her heirs and successors, wherein no effoin, protection or wager of law shall be admitted or allowed. 4 & 5 P. & M. c. 5.

C A P. XIII.

An act for the inhabitants of Halifax to buy wools.

The inhabitants of Halifax may buy wool and sell the same again.

FORASMUCH at the parish of Halifax and other places thereunto adjoining, being planted in the great wastes and moors, where the fertility of ground is not apt to bring forth any corn nor good grass, but in rare places, and by exceeding and great industry of the inhabitants; and the same inhabitants altogether do live by cloth-making, and the great part of them neither getteth corn, nor is able to keep a horse to carry wools, nor yet to buy much wool at once, but hath ever used only to repair to the town of Halifax, and some other nigh thereunto, and there to buy upon the wool-driver, some a stone, some two, and some three and four, according to their ability, and to carry the same to their houses, some three, four, five and six miles off, upon their heads and backs, and so to make and convert the same either into yarn or cloth, and to sell the same, and so to buy more wool of the wool-driver; by means of which industry the barren grounds in those parts be now much inhabited, and above five hundred households there newly increased within these forty years past, which are now like to be undone and driven to beggary, by reason of the late estatute made, that taketh away the wool-driver, so that they cannot now have their wool by such small portions as they were wont to have, and that also they are not able to keep any horses whereupon to ride, or set their wools further from them in other places, unless some remedy may be provided: (2) for the remedy whereof, be it enacted by the King and Queen's majesties, by the lords spiritual and temporal, and the commons, in this present parliament, and by the authority of the same, That from henceforth it shall be lawful to any person or persons inhabiting within the parish of *Halifax*, to buy any wool or wools, at such times as the clothiers may buy the same, otherwise than by ingrossing and forestalling, so that the persons so buying the same do carry or cause to be carried the said wool so bought by them, to the town of *Halifax*, and there to sell the same to such poor folks of that and other parishes adjoining, as shall work the same in cloth or yarn (to their knowledge) and not to the rich and wealthy, nor to any other to sell again: (3) and if either the said wool-driver shall sell his said wools at any other place forth of the said town of *Halifax*, or if any such shall buy their wools at *Halifax*, shall sell their wools that they bought, again unwrought in yarn or cloth, that then every such offender to lose and forfeit the double value of the wool so sold or uttered; the one moiety thereof to be to the King and Queen's majesties, her heirs and successors, Kings of this realm, and the other moiety to him or them that will sue for the same in any of the King and Queen's majesties courts of record, or before the justices of peace in their sessions, who by virtue hereof in their own open sessions shall have authority upon information to hear and determine the same,

The statute of 5 & 6 Ed. 6. c. 7. very prejudicial to the inhabitants of Halifax.

The inhabitants of Halifax may buy wool and sell it again there.

The justices of peace may hear and determine these offences.

same, and to make process against the offenders, as in any other case to be determined before them.

CAP. XIV.

It shall be lawful to the dean and chapter of Hereford, within eight years next, to re-edify four sufficient mills, viz. two corn-mills, and two fulling mills, upon the river Wye, in or near unto the place where four old mills did stand.

CAP. XV.

An act that purveyors shall not take victuals within five miles of Cambridge or Oxford.

Humbly sue to your Majesties, the societies, colleges and companies of your true and faithful subjects and daily vassors, the scholars and students of both your Majesties universities, Cambridge and Oxford, That where it hath been accustomed time out of mind, that both the said market-towns of Cambridge and Oxford, wherein the said two universities be set, and the circuit of five miles next adjoining, hath been free from any charge or molestation of any common takers or purveyors for victual, whereby the said markets were more plentifully served with victual, and the poor estate of a great multitude of scholars having very bare and small sustentation, thereby relieved; (2) and now by the means that contrary to the same laudable custom, divers purveyors and takers have of late excessively frequented the same markets, and thereby given occasion to make victuals both more scant and much dearer, to a notorious decay of scholars, which also daily in this great dearth is like to increase and be more lamentable, to the hinderance of God's service, to the dishonour of the realm, the discomfort of all good and holy men loving learning and virtue:

II. It may therefore please your Majesties of your great pity and abundant favour and love towards your said two universities, being the very two only nurseries of good learning in this realm, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, to enact, ordain and establish, That from henceforth no manner of purveyor, taker, badger, loader, or other minister, may or shall take or bargain for any kind of victual or grain, in any of the said markets or towns of Cambridge and city of Oxford, nor shall take or bargain for any victual within the compass of five miles thereto adjoining, without the consent, agreement, or good will of the owner or owners; (2) neither shall attempt to carry, take away or bargain for any manner of grain or other victual, bought or provided within the said space of five miles, by any common minister of any college, hostel or hall, to be spent within any of the said colleges, hostels or halls, (3) upon pain of the forfeiture of the quadruple value of any such manner of grain or victual so taken or bargained for, in any of the said markets, or within the said space of five miles (against the will of the owners) as is abovesaid, or attempted to be taken, carried away or bargained for, being provided as is abovesaid, for to be spent in any the colleges, hostels

Cambridge and Oxford, and five miles circuit, have been free of purveyors.

Purveyors shall not take victual in Cambridge or Oxford, or within five miles thereof.

Who may enquire of, and punish the offences.

hottels or halls; and further shall suffer imprisonment for the space of three months, without bail or mainprise: (4) And that the chancellor or vicechancellor, or his commissary for the time being, in either of the said universities, with two justices of peace of the county wherein the said universities be set, shall have full power by authority of this act, to enquire by the oaths of twelve men, of and upon the defaults, and offences committed contrary to the tenor thereof, and to see due punishment and reformation thereof in form aforesaid from time to time; (5) the one half of which aforesaid forfeitures to be to the common treasurer of either of the said universities, respectively to the fault committed against this their privilege, the other half to the party that will sue for the same by action of debt, bill, plaint or otherwise, in any court of record, or before the aforesaid chancellor, his vicechancellor or commissary for the time being, and two justices of peace, as is before expressed.

This act suspended during the Queen's presence.

III. Provided, That this act shall not be put in execution at any time or times whensoever your Majesties, or the heirs and successors of your Majesty our sovereign lady shall please to come to any of both the said universities, or within seven miles of either of them, but shall be in suspense during that time only, and not longer.

The liberties of Oxford and Cambridge saved.

IV. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not in any wise be prejudicial or hurtful to the mayor bailiffs and commonalty of the city of *Oxford*, nor to the mayor and commonalty of the town of *Cambridge*, or to their successors, for and concerning any liberties or privileges; but that they and every of them, and their successors respectively, may have and use the same in such manner and form, as they or any of them might or ought to have done before the making of this act; any thing in this act contained to the contrary notwithstanding.

13 Eliz. c. 21.
18 Eliz. c. 20.
12 Car. 2.
c. 24.

C A P. XVI.

An act touching watermen and bargemen upon the river of Thames.

The office and duty of the eight overseers of watermen rowing between Gravesend and Windfor.

WHEREAS heretofore for lack of good government and due order amongst wherimen and watermen exercising, using and occupying rowing upon the river of Thames, there have divers and many misfortunes and mishances hapned and chanced of late years past, to a great number of the King and Queen's subjects, as well to the nobility as to other the common people that have passed and repassed, and been carried by water, by reason of the rude, ignorant and unskilful number of watermen, which for the most part been masterless men, and single men of all kinds of occupations and faculties, which do work at their own hands, and many boys being of small age and of little skill, and being persons out of the rule and obedience of any honest master and governor, and do for the most part of their time use dicing and carding, and other unlawful games, to the great and evil example of other such like, and against the commonwealth of this realm:

(2) and

(2) and all which said evil and ignorant persons in the time of pressing by commission, for the service of the King and Queen's most royal majesties upon the sea, for that they have no known place of abiding, do for the most part absent and convey themselves into the country, and other secret places, practising there robberies and felonies, and other evil and detestable facts, to the great annoyance of the commonwealth: and so after the said commission of pressing ended, oft times the said evil persons do repair again to their former trade of rowing, colouring their evil deeds; (3) and also divers of them being very ignorant, for lack of convenient time of learning and exercise, in the which they might obtain sufficient knowledge of their occupation, do oftentimes presume and enterprise to receive divers of our said sovereign lord and lady the King and Queen's majesties loving subjects into their boats and wherries, and do carry and convey their said subjects from place to place by water, upon the said river of Thames, whereby divers persons have been robbed, and spoiled of their goods, and also drowned.

Several abuses committed by young, unskilful and lewd watermen.

II. And for and by the occasion aforesaid, be daily put in fear and peril of their lives, the which is very lamentable and not to be permitted or suffered in any commonwealth; (2) and by reason also, that a great number, and the most part of the wherries and boats now occupied and used, and of late time made for rowing upon the said river, been made so little and small in proportion, and so strait and narrow in the bottom, varying much from the old substantial sort and sure making of boats and wherries which was used before the space of twenty years last past, insomuch as the most part of boats and wherries used at this day, been so shallow and tickle, that thereby great peril and danger of drowning hath many times ensued, and daily is like to ensue, unless some speedy remedy be herein had and provided:

III. For reformation whereof, be it enacted by the King and Queen's majesties, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That there shall be yearly appointed, chosen and elected by the mayor and the court of aldermen of the city of London for the time being, the number of eight persons of the most wise, discreet and best sort of watermen, being householders, and occupying as watermen upon the said river between *Gravesend* and *Windsor*: (2) which election shall be yearly at the first court of aldermen to be holden within the said city next after the first day of *March*: (3) and the same eight persons so elected shall be named and called the overseers and rulers of all the wherimen and watermen that from and after the said first day of *March* shall use, occupy or exercise any rowing upon the said river of *Thames* betwixt *Gravesend* and *Windsor* aforesaid; (4) which said overseers and rulers shall keep and maintain good order and obedience amongst the said watermen, according to the true meaning of this present act.

There shall be eight overseers of watermen upon the river of Thames.

IV. And also be it further enacted by the authority aforesaid, That after the feast of *Pentecost* next coming, no person nor persons, where two watermen and not above the number of two shall row together in one boat or wherry, in any place or places betwixt *Gravesend* and *Windsor* aforesaid, shall presume to enter

Two watermen shall not carry any, but where one of them is allowed by the

prise overseers, and

two years hath
exercised, &c.

prife to receive or take any person or persons into his or their boat or wherry, to the intent to carry or convey him or them therein, unless one of the same two watermen have been for the most part exercised and used in rowing upon the said river of *Thames*, by the space of two whole years before that time; and that also one of the same two watermen at least be duly admitted and allowed by the same eight overseers and rulers, or the most part of them, by writing under their known seal, to be a sufficient and able waterman; (2) upon pain that every person and persons presuming or offending contrary to the true meaning of this present act, shall by the said eight overseers or rulers be committed to prison in one of the counters of the city of *London*, there to remain by the space of one month or less, as the offence shall require.

No single man
shall be a wa-
terman, &c.

V. And also be it further enacted, That no person or persons being single men, not keeping household and not retained, shall from and after the said feast of *Pentecost* next coming, use or exercise to row between *Gravesend* and *Windsor* aforesaid, unless he or they be prentice or prentices, or in service retained with a master by the whole year at the least, upon pain of like imprisonment.

Who shall have
authority to
punish offend-
ers.

VI. And also be it further enacted, That the lord mayor of *London*, and the aldermen of the same city, and the justices of peace within the shires next adjoining to the said river of *Thames*, every of them within their several jurisdictions and authorities, shall have full power and authority by virtue of this present act, upon complaint made to them or any of them by the said overseers and rulers, or two of them, or the master or masters of any such servants, not only to examine, hear and determine all complaints or offences to be done or committed by any such person or persons that shall offend contrary to the true meaning of this present act, and to set at large all and every such person and persons as shall fortune to be imprisoned by the said overseers and rulers according to this act, if just cause shall appear unto them so to do; but also by their good discretions and wisdom to punish, correct and reform the said overseers and rulers, and every of them, that shall unjustly, or without good cause or ground, punish any person or persons by colour of this present act, or any thing therein contained.

The length,
breadth and
goodness of
boats.

VII. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, from henceforth do or shall make any wherry or boat, to the intent commonly to use rowing and carrying people upon the said river of *Thames*, which shall not be xxij. foot and a half in length, and iv. foot and a half broad in the midship, or which shall not be substantially and well able and sufficient to carry two persons on one side tight, according to the old quantity, scantling, thickness of board, goodness and good proportion heretofore had and used; that then the same boat or boats so being made contrary to the proportion and sort before expressed, shall be taken as forfeit, and shall be forfeit, the one half thereof to the King and Queen's majesties

majesties, our said sovereign lord and lady's use, and to the use of the heirs and successors of the Queen's majesty, and the other half to him or them that will sue for the same in any of the King and Queen's majesties courts of record, by action of detinue, bill, plaint, information or otherwise; wherein no wager of law, effoin, protection or injunction shall be allowed for the defendant.

VIII. And be it further enacted, That if any person or persons which from and after the said feast shall use and exercise the occupation of rowing betwixt *Gravesend* and *Windsor* aforesaid, which in the time of the execution of any commission of pressing that shall be had for the service of the King and Queen's majesties, and the heirs and successors of the Queen's majesty, in their affairs, shall willingly, voluntarily and obstinately withdraw, hide or convey him or themselves in the same time of pressing, into secret places and out-corners, and after when such time of pressing is overpassed, shall return and come again to the said river of *Thames*, to row betwixt *Gravesend* and *Windsor* aforesaid, and that duly proved by two indifferent witnesses, before the said lord mayor and court of aldermen or justices of the peace, and two of the said rulers; that then he or they doing or offending shall suffer imprisonment by the space of two weeks, and be banished any more to row from thenceforth upon the said river of *Thames* by the space of one whole year and day then next following.

The punishment of watermen withdrawing themselves in the time of pressing.
See 4 & 5 Ann. c. 19 s. 12 for farther provisions relating hereto.

IX. And be it further enacted, That it shall be lawful to the said eight rulers for the time being, and their successors from time to time, to convent and call before them at some convenient place by them to be appointed, all and every such person and persons, which from and after the said feast of *Pentecost* shall occupy and use the said trade and occupation of rowing betwixt *Gravesend* and *Windsor* aforesaid, (2) and shall enter and register the name and names of them and every of them, that shall be by them allowed or admitted for watermen to row betwixt *Gravesend* and *Windsor* aforesaid, in a book to be made for the same intent and purpose; (3) and to take such further order and direction therein with every the said parties, by the authority of this present act, as it shall seem meet and necessary by the discretion of the said overseers and rulers for the time being; (4) and also that the said overseers and rulers shall and may by the authority of this act oversee, view and survey at all and every time and times hereafter, all manner of boats and wherries that shall from and after the said feast be made, before the said boat or boats, wherry or wherries, be launched out of the yard or ground wherein the same boat or boats, wherry or wherries shall fortune to be made, in the said river of *Thames*, to the intent that they and every of them may be made and prepared in such manner and form, and according to the goodness, proportion and quantity in this present act before limited and expressed.

The overseers shall correct the watermen, and register their names.
Overseers shall view the boats before they be launched.

X. And be it further enacted by the authority aforesaid, That The penalty of
G 2 if

overseers refusing their place, or being negligent therein.

if any person or persons which at any time hereafter shall be elected or chosen to be a ruler or overseer as before is expressed, do happen negligently to use and exercise his or their room or place, or that will obstinately refuse to take upon him or them the room or rooms, place or places of any the said overseers or rulers, that then all and every such offender or offenders so offending shall lose and forfeit the sum of v. li. of lawful money of *England*; the one-half whereof shall be to our said sovereign lord and lady the King and Queen's majesties use, and to the use of the heirs and successors of the Queen's majesty, and the other half to him or them that will sue for the same in any of the King and Queen's majesties courts of record, by action of debt or by any other the ways or means above specified, wherein no wager of law, esoin, protection or injunction shall be admitted or allowed for the defendant or defendants.

Assessment, what fares watermen shall take for rowing between *Gravesend* and *Windfor*.
6 H. 8. c. 7.

XI. And be it further enacted by the authority aforesaid, That the said mayor and court of aldermen of the said city of *London* for the time being, shall from time to time at their discretions limit, set and assess the price or prices, and sums of money, that every person or persons so authorized to row as is aforesaid betwixt *Gravesend* and *Windfor* aforesaid; shall take for his or their labour or fare, from place to place particularly, betwixt *Gravesend* and *Windfor* aforesaid; (2) and the same prices and assessments to be set, shall bring or cause to be brought to the privy council of our sovereign lord and lady the King and Queen, to be viewed and seen by some of the said privy council; and after that, the said assessments and prices shall be signed and subscribed with the hands of two of the said privy council at the least; (3) and the said mayor and court of aldermen for the time being shall cause the said prices and assessments to be written and set up in tables in the *Guild-Hall* in the city of *London*, *Westminster-Hall* and elsewhere, where the said mayor and court of aldermen shall think convenient: (4) and every person and persons that shall take for his or their fare or labour above the prices that shall be assessed, viewed, written and set up in form aforesaid, shall forfeit for every such offence forty shillings, and also shall suffer imprisonment by one half year: (5) The one moiety of the said forfeiture to be to the King and Queen's majesties, their heirs and successors, and the other moiety thereof to him or them that will sue for the same in any the King and Queen's majesties courts of record, by action of debt, or by any other the ways or means above specified, wherein no wager of law, esoin, protection or injunction shall be admitted or allowed for the defendant or defendants.

The servants of western barge-men.
Repealed by
5 El. c. 4. s. 2.

XII. And be it further enacted by the authority aforesaid, That no person or persons occupying or using any western barge, shall retain, take or receive into his or their service, any single person not keeping house or household, but only such as shall be retained with him or them by the whole year, and no householder but such as he or they will or shall answer for, for his or their good behaviour, (2) upon pain of forfeiture for every such offence.

xl. s. the one moiety thereof to be to the King and Queen's majesties, her heirs and successors, and the other moiety thereof to him or them that will sue for the same in any of the King and Queen's courts of record, by action of debt, or by any other the ways or means above specified, wherein no wager of law, effoin, protection or injunction shall be admitted or allowed for the defendant or defendants. 1 Jac. I. c. 16. 14 Jac. I. c. 32. 11 & 12 W. 3. c. 21. 4 & 5 Anna, c. 13. 2 Geo. 2. c. 26. 10 Geo. 2. c. 31.

CAP. XVII.

The benefit of clergy shall be taken from Bennet Smith, for being accessory to the murder of Giles Rufford before the murder committed, and for procuring of the same. 4 & 5 P. & M. c. 4.

CAP. XVIII.

An act touching commissions of the peace and of gaol-delivery, in towns corporate not being counties.

WHERE the King and Queen's most excellent Highness, and their noble progenitors, Kings of this realm, have heretofore granted their severall commissions directed as well unto the mayors, recorders and other grave men, and inhabitants of certain ancient and famous cities and towns corporate within this realm of England, not being counties in themselves, as also unto divers other worshipful and learned men dwelling out of the same cities and towns corporate, as well for the keeping of their peace, good ordering of their people, and executing of their laws and statutes within the same cities and towns corporate, as also for the delivery of their Majesties prisoners remaining in the gaols there; and after the granting of such commissions their Majesties have granted divers other like commissions unto certain worshipful and learned men of the shires, lathes, rapes, ridings and wapentakes of this realm of England, for the conservation of their peace, and also delivering of their prisoners remaining in their gaols within the same shires, lathes, rapes, ridings and wapentakes; (2) which commissions so bearing a later day, have been a superfedas and clear discharge unto all and singular the said former commissions granted unto the said cities and towns corporate, not being counties in themselves; (3) so that the said mayor and other grave and chiefest officers of every such city and town corporate, have been charged to sue for the renewing again of such commissions, both for the peace and gaol-delivery, to the great expences, costs and charges of the said mayor, and other the inhabitants of such cities and towns corporate, and to the great protracting and delay of justice therein in the mean time: for reformation whereof, and for the better advancement of justice in the premisses;

II. Be it therefore enacted by the King and Queen's majesties, A commission the lords spiritual and temporal, and the commons, in this of the peace present parliament assembled, and by the authority of the same, and gaol-delivery shall That all and singular commission and commissions, granted not be a superfedas to as is aforesaid a county in it self, for the keeping of their peace former like and

commission granted to a city or town corporate. 4 Inst. 169.

and delivery of their prisoners remaining in the gaols of any such city or town corporate, not being a county in it self, shall stand, remain, and be good and available and effectual in the law, to all intents, constructions and purposes, the granting of any like commission of peace, or gaol-delivery to any commissioner or commissioners for the conservation of the peace, or delivery of the prisoners remaining in the gaol of any shire, lathe, rape, riding or wapentake, within this realm of *England*, bearing date after the said commission or commissions granted as is aforesaid, to any such city or town corporate, not being, as is aforesaid, a county in it self, to the contrary notwithstanding.

CAP. XIX.

A revivor of the statute of 22 H. 3. c. 11. touching powedike in marshland, which was repealed by the statute of 1 M. stat. 1.

CAP. XX.

For the duchy of Lancaster.

The decay of the revenues of the duchy of Lancaster.

FORASMUCH as the King and Queen our sovereign lord and lady considering and regarding the estate of the duchy of Lancaster, being one of the most famous princehest and stateliest pieces of our said sovereign lady the Queen's ancient inheritance, do perceive and consider, that the possessions and yearly revenues of the said duchy are and have been of late greatly diminished, as well by reason of sundry gifts, grants and sales made by the late Kings of famous memory, Henry the Eighth and Edward the Sixth, late Kings of England, father and brother to our said sovereign lady the Queen's highness, as also by reason of sundry exchanges made with divers of their loving subjects, of sundry manors, lands, tenements, possessions and hereditaments, lately belonging to the same duchy, and the manors, lands, tenements, possessions and hereditaments, being received and taken in recompence of the said exchanges, be not annexed to the said duchy, but been in the order, survey and governance of other courts and places so by their Highnesses taken and received in exchange :

II. And forasmuch also as their Majesties do mind and intend to preserve, advance, maintain and continue the ancient and honourable estate of the said duchy ; our said sovereign lord and lady therefore be pleased and contented, that it be enacted, ordained and established by their Majesties, with the assents of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all honours, castles, lordships, manors, lands, tenements, possessions and hereditaments within this realm of *England*, which at any time since the xxviii. day of *January* in the first year of the reign of our said late sovereign lord King *Edward* the Sixth, were parcel of the possessions of the said duchy of *Lancaster*, or which were united and annexed to the said duchy by authority of parliament, letters patents or otherwise, and which at any time since the said xxviii. day of *January* have been given, granted, alienated, bargained, sold, exchanged, or otherwise severed

severed

severed from the said duchy by our said late sovereign lord King *Edward* the Sixth, or by our said sovereign lady the Queen that now is, or by our sovereign lord and lady the King and Queen's majesties that now be, to or with any person or persons, and which said honours, castles, lordships, manors, lands, tenements and hereditaments, since such gifts, grants, alienations, bargains, sales, exchanges or severance thereof so made as is aforesaid, been comen or returned again to the hands of our said late sovereign lord King *Edward* the Sixth, or to the hands of our said sovereign lady the Queen, or to the hands of our said sovereign lord and lady the King and Queen, or to the hands of her Majesty, her heirs and successors, in possession, reversion, remainder or otherwise, and which now be or remain in the hands of our said sovereign lord and lady the King and Queen's majesties, of any estate of inheritance, shall from the time the same came and reverted again to the hands of our said late sovereign lord King *Edward* the Sixth, or to the hands of our said sovereign lady the Queen, or to the hands of our said sovereign lord and lady the King and Queen, by authority and force of this act, be united and annexed for ever unto the said duchy of *Lancaster*, and shall be adjudged, deemed and taken for ever, for and as parcels and members of the said duchy of *Lancaster*: (2) and that all such and those of the said manors, lands, tenements and hereditaments, which be lying within the county palatine of *Lancaster*, shall be of the same nature, quality, kind and condition, to all intents, constructions and purposes, as others the ancient possessions of the said duchy, lying and being within the said county palatine of *Lancaster*, be and bought to be; (3) and all those and such of the said manors, lands, tenements and hereditaments, which be lying out of the said county palatine of *Lancaster*, shall be of the same nature, quality, kind and condition, to all intents, constructions and purposes, as other ancient possessions of the said duchy, lying and being out of the county palatine of *Lancaster*, be and ought to be; (4) and shall be in the letting, setting, order, rule, survey, receipt and governance of the chancellor, counsel and officers of the said duchy of *Lancaster* for the time being for evermore, in like and the same manner and form, to all intents and purposes, as others the said ancient possessions belonging to the said duchy been, have been, or ought to be.

Duchy lands severed from the crown, and sithence reunited, shall be again parcel of the duchy.
37 H. 8. c. 16.

III. And that all the said honours, castles, lordships, manors, lands, tenements and hereditaments, united and annexed to the said duchy of *Lancaster*, by authority and force of this act, and all and singular gifts, grants, leases, letters patents and writings thereof, or of any parcel thereof, hereafter to be made by the King and Queen's highness, or by the heirs or successors of her Majesty, shall for evermore pass and be made under such of the seals of the said duchy, as other the ancient possessions of the said duchy have used to pass and be made, and not under any other seal or otherwise, and with the like

The new annexed lands shall pass under the seal of the duchy, and with the same ceremonies.

and the same livery of seisin, attornment, ceremonies, orders and circumstances in the law, and in the same manner and form, as other the ancient possessions of the said duchy, and the letters patents, charters and writings thereof heretofore of ancient time made, have used and ought to be made and passed, and not otherwise, nor in any other manner and form; any law, estatute, usage or custom to the contrary thereof in any wise notwithstanding.

Other lands may be annexed to the duchy of Lancaster.

IV. And be it further enacted, ordained and established by the authority aforesaid, That our said sovereign lord and lady the King and Queen that now be, and the heirs and successors of her Majesty, may from time to time hereafter, at their liberties and pleasures, by their Grace's letters patents, to be sealed with the great seal of *England*, unite, annex, limit, assign and appoint any other their honours, castles, lordships, manors, lands, tenements and hereditaments, lying and being within this their said realm of *England*, unto their said duchy of *Lancaster*, for the further augmentation, honour and estate of the said duchy at their wills and pleasures,

V. And that all and every such annexing, limiting, assignment and appointment made or to be made by our said sovereign lord and lady the King and Queen, or by the heirs or successors of our said sovereign lady the Queen, of any their honours, castles, lordships, manors, lands, tenements and hereditaments, unto the said duchy of *Lancaster*, by any their said letters patents under the great seal of *England*, shall be as good and available, as if it were done by authority of parliament.

Lands to be annexed lying within the county palatine.

VI. And that all such honours, castles, lordships, manors, lands, tenements and hereditaments, lying and being within the said county palatine of *Lancaster*, which shall happen to be united and annexed to the said duchy by force of any such letters patents, shall from the *teste* of the said letters patents be within the order, survey, rule, governance, jurisdiction, letting, and setting of the said duchy of *Lancaster* for the time being, as other the possessions of the said duchy, lying and being within the said county palatine of *Lancaster*, have used and ought to be.

Lands to be annexed to the duchy lying out of the county palatine of Lancaster.

VII. And that all other honours, castles, lordships, manors, lands, tenements and hereditaments, lying and being out of the said county palatine of *Lancaster*, which shall happen to be united and annexed to the said duchy by force of any such letters patents, shall be from the *teste* of the said letters patents, within the order, survey, rule, governance, jurisdiction, letting and setting of the said duchy of *Lancaster*, as others the possessions of the said duchy of *Lancaster*, lying and being out of the said county palatine of *Lancaster*, have used and ought to be; (2) saving to all and every person and persons, bodies politick and corporate, to their heirs, successors and assigns, and to the heirs, successors and assigns of every of them, all such right, title, interest, entries, conditions, occupations, possession,

A saving of the right of others.

tion, lease and leases, fees, annuities, offices, rents, services, commons, profits, commodities, easements, actions, suits, demands thing and things whatsoever, which they or any of them should, might or ought to have had, into or out of any of the premises, before the making of this act, in like and in the same manner, form and condition, to all intents, constructions and purposes, as if this act had never been had or made; any thing in this act to the contrary in any wise notwithstanding.

VIII. Provided always, and be it enacted by the authority Certain lands excepted which are not to be annexed to the duchy of Lancaster. That this act, or any thing or things therein contained shall not in any wise extend to enable or give any liberty to our said sovereign lord and lady the King and Queen, nor to the heirs and successors of our said sovereign lady the Queen, to unite and annex to the said duchy of *Lancaster*, by their letters patents, any honours, castles, lordships, manors, lands, tenements or hereditaments, being any part or parcel of the antient inheritance of the crown, or of the principality of *Wales*, or of the duchy of *Cornwall*, or of the earldom of *Chester*, or any their honours, castles, lordships, manors, lands, tenements or hereditaments, set, lying or being within the counties of *Chester* and *Flint* or either of them; nor to give, annex or assign to the said duchy of *Lancaster*, any honours, castles, lordships, manors, lands, tenements or hereditaments, exceeding and amounting in the whole above the yearly value of two thousand pounds; any clause, article or thing in this act rehearsed, contained or specified to the contrary thereof in any wise notwithstanding.

IX. Provided always, and be it enacted by the authority This last section is not upon the roll. That the farms, rents, suits and services of such and as many of the said manors, lands, tenements and hereditaments mentioned in this act, belonging to the duchy of *Lancaster* and county palatine of *Lancaster* or to either of them, shall be answered and paid in the court of the duchy chamber at *Westminster*, or to the receivers general and other ministers of the same court, in like manner and form as heretofore have been used and accustomed; (2) and that all leases hereafter to be made of any the same manors, lands, tenements or hereditaments belonging to the said duchy shall be made under the seal of the duchy of *Lancaster*, in like manner and form as heretofore have been used; this act or any thing therein contained to the contrary thereof in any wise notwithstanding.

CAP. XXI.

The statutes made Anno 22 H. 8. c. 7. 23 H. 8. c. 3 & 17. 24 H. 8. c. 9. 28 H. 8. c. 6, 8, 9. 31 H. 8. c. 7. 35 H. 8. c. 17. 37 H. 8. c. 23. 2 & 3 Ed. 6. c. 9. 3 & 4 Ed. 6. c. 19 & 21. 5 & 6 Ed. 6. c. 14. 7 Ed. 6. c. 11. 1 M. sess. 2. c. 12 & 13. 1 & 2 P. & M. c. 3. revived, and made to continue until the last day of the next parliament.

CAP. XXII.

A confirmation of a subsidy of six shillings in the pound, granted by the clergy to the King and Queen, to be paid in three years. EXP.

CAP. XXIII.

A confirmation of a subsidy granted to the King and Queen by the temporality. EXP.

Anno quarto & quinto Philippi & Mariæ.

ACTS made at a parliament begun and holden at Westminster the one and twentieth day of January in the fourth and fifth year of the reign of our sovereign lord and lady Philip and Mary, by the grace of God, King and Queen of England, Spain, France, both the Sicilies, Jerusalem and Ireland, defenders of the faith; princes of Spain and Sicily; archdukes of Austria; dukes of Milain, Burgundy and Brabant; counties of Haspurg, Flanders and Tyroll: And there continued and kept until the seventh day of March then next following, were enacted as followeth.

CAP. I.

An act for confirmation of letters patents. Confirmation of all letters patents, &c. made by the King and Queen, or by the Queen, since the 7th of July, 1 M. or to be made seven years after, &c. other persons rights saved. Defects in the letters patents saved. Patents of offices. Twenty years purchase shall be paid by the patentee for the overplus of lands sold by the King and Queen. Exception of leases made whereupon the old rent is not reserved; patents of lands concealed. Letters patents made to the master of the Savoy. A confirmation of the assurance of the manor of Southwell. Confirmation of letters patents by several statutes, viz. 34 & 35 H. 8. c. 21. 18 El. c. 2. 43 El. c. 1.

CAP. II.

So much of every statute heretofore made as doth concern only the finding or keeping of horse or armour, and every penalty and forfeiture touching only the same, shall be repealed. What number, rate and proportion of horses, armour and weapons, each person is bound and chargeable to keep in any respect, or for any cause. Repealed by 1 Jac. 1. c. 25. l. 47.

CAP. III.

An act for the taking of musters.

WHERE heretofore commandment hath been given by the King and Queen's majesties, and other the progenitors of the Queen's majesty, Kings of this realm, to divers and sundry persons, to muster their Majesties people and subjects of their realm of England, and to levy a number of them for the service of their Majesties, and

The penalty for a soldier departing from his captain without his licence, and

of this realm, in their wars, such as were most able and likeliest to serve well in the same: (2) which service hath been greatly hindered, as well for that a great number hath absented them from the said musters, which ought to have come to the same, as also for that many of the most able and likely men for that service have been through friendship or rewards released, forborn and discharged of the said service; (3) and some other not being able or meet, taken, appointed and chosen thereunto, and yet the same disability and unaptness notwithstanding, the same unable and unmeet persons, upon sums of money, or other kind of rewards or exactions by them paid to some such as had the order of the said musters, have been also released and discharged of the said service, to the great impoverishment of the subjects, and chiefly to the great peril and danger of this noble realm, in the hindrance of the true and necessary service thereof:

for not appearing at musters, &c. Several causes of hinderance of due serving in war.

II. For remedy whereof, be it enacted by the King and Queen our sovereign lord and lady, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, that shall be commanded at any time hereafter generally or specially to muster afore any such as shall have any authority or commandment for the same, by or from the King and Queen's majesties, or by the heirs or successors of the Queen's majesty, or by any lieutenant, warden, or other person or persons authorized for the same, do willingly absent him or themselves from the same musters, having no true and reasonable excuse of sickness or other lawful impediment; or at their appearance at such musters, do not bring with them such their best furniture or array and armour, as he or they shall then have for his or their own person in readyness: shall for every such default and offence have and suffer imprisonment by the space of ten days, without bail or mainprize, by the commandment of such as shall have authority, as is aforesaid, to take the same musters; unless he or they so offending, as is aforesaid, do agree to or with the said commissioners or two of them, to pay to the use of the King and Queen our sovereign lord and lady, or of the heirs or successors of the same our sovereign lady, for every such offence, forty shillings for a fine; (2) which said fine, after agreement for the payment of the same, as is aforesaid, shall be certified and estreated into the court of the *Exchequer* at *Westminster*, by such as shall have power to take the said musters, as is aforesaid, or by two of them, under their seals, or the seals of two of them, within the space of two months next after such agreement to pay the said fine had or made, and the same fine so estreated, to be levied in such form as fines assessed by the justices of assise, or of gaol-delivery in their circuits are used to be levied.

III. And be it further enacted by the authority aforesaid, That if any person or persons which at any time or times hereafter shall be commanded or appointed by the King and Queen our sovereign lord and lady, or by the heirs and successors of the

The penalty of muster-masters taking reward to discharge them. the

the same our sovereign lady, by their commission, letters or otherwise authorized to levy, muster, or make any men to serve in their wars, or otherwise for the defence of this realm, do by any mean exact, levy, receive or take, or cause to be taken, any sum or sums of money, or other reward or thing whatsoever, of any person or persons, for service in the wars, or that shall be appointed, named, or mustered to serve in any such service, or for the sparing, releasing, or discharging of such person or persons from the said service, that then every such person that so shall offend in exacting, receiving, or taking by any ways or means, any sum or sums of money, or other reward or thing whatsoever, as is aforesaid, shall for such offence forfeit ten times so much as he shall so receive, exact or take.

The penalty of a captain licencing his soldiers to depart, or not paying his wages.

IV. And be it further enacted by the authority aforesaid, That if any captain, petty captain or other, having charge of men for service in war, shall for any advantage, lucre or gain by him to be taken or received, discharge or licence any of the soldiers, or men appointed to serve in the wars under his rule or order, to depart from the same service, or shall not pay unto his soldiers, and to every of them, their full and whole wages, conduct and coat money, within ten days next after that such captain, petty captain, or other having charge of men, as is aforesaid, shall have received the same; that then the party so offending in giving any such licence or discharge, as is aforesaid, shall lose and forfeit for every such offence ten times the value of the thing so taken or received, and shall also pay to every soldier from whom he shall so withhold any of the said wages, conduct or coat money, treble the sum so withholden; (1) the one moiety of all which forfeitures, other than such as before by this act is limited or given to the soldier or soldiers, as is aforesaid, for their wages coat or conduct money withdrawn, shall be to the King and the Queen's majesties, and the heirs and successors of the Queen's majesty, and other the moiety thereof to him or them that will sue for the same by action of debt, bill, plaint, information or otherwise, in any court of record; in which action or suit, no essoin, protection or wager of law shall be allowed.

Who shall have the forfeiture.

V. And be it further enacted by the authority aforesaid, That all justices of assises in their circuits, and all justices of peace within the limits of their commission in their assises and sessions, and stewards of leets, law-days and liberties, at their leets and lawdays, shall and may from time to time enquire, hear and determine every of the said offences committed or done contrary to this act, within the precincts of their commission, leet or liberty: (2) and if any person or persons shall be, before the said justices of assise, justices of peace, or any of them, presented or indicted of any the offences aforesaid, that then the said justices of assises, or justices of peace before whom such indictment or presentment shall be taken or had, shall and may

by

by the authority of this act award such process against every such person or persons so indicted, as upon indictments of trespass is used and accustomed to be made: (3) and if any such person or persons so indicted do appear before the said justices, and confess the same, or plead to the same indictments, and after by verdict of twelve men shall be of any of the said offences contained in such indictment or indictments convicted, that then the said justices before whom any such conviction shall be so had, shall and may award such person or persons so convicted unto prison, there to remain without bail or mainprize, until such time as he or they have paid or satisfied the moiety of the forfeiture aforesaid, unto the King and Queen's majesties use, and the other moiety thereof unto him or them that shall come before the said justices, and give evidence against the party to be convicted at the time of the said conviction, and by whose evidence he shall be of the said offence convicted: (4) and if any such conviction shall be had without any evidence openly given by any person or persons, that then the party convicted, as aforesaid, shall remain in prison, as is aforesaid, until he have satisfied the whole forfeiture to the King and Queen's majesties use.

VI. Provided always, and be it further enacted by the authority aforesaid, That if any the offences aforesaid touching captains, petty captains or other having charge of men, shall be committed during the time that any army or number of men being under a lieutenant, shall be assembled and continue together, or by any captain, petty captain or other having charge of men, that shall serve under any lord warden or other chieftain, that then upon complaint thereof the lord lieutenant, or the lord warden, or other chieftain, during the time of any his or their commission, shall and may hear, order, and determine the same offences, by his or their discretions.

Offences committed during the time of service.

VII. Provided always, That this act, nor any thing therein contained, shall not in any wise extend to take away or discharge any tenant or farmer of his service or covenant toward his lord, for the finding of horse, armour or weapon, or for doing of service by himself, or by any other, which by tenure of his land otherwise is bounden to do before the making of this act; but that he shall yield, do, and pay the same in as ample manner and form as though this act had never been had or made.

Service in respect of tenure of land.

VIII. Provided also, and be it further enacted by the authority aforesaid, That if any such captain, petty captain or other having charge of men, as is aforesaid, shall be at any time hereafter convicted, or ordered by virtue of this act, for any of his offences aforesaid, that then the same captain, petty captain or other, having charge of men, as is aforesaid, so convicted, shall not otherwise or estoons be vexed, troubled, convicted or sued, for the same offence, whereof he shall be so before convicted or ordered.

He that is once convicted shall not be againtroubled.

A revivor of
the statute of
2 & 3 Ed. 6.
c. 2.

IX. *And where one branch or article contained in the statute made in the second and third year of the reign of the late King Edward the Sixth, intituled, An act touching the true service of captains and soldiers, whereby the departure of any soldier, serving as in the said act is expressed, without licence of the lieutenant or other officer or officers named in the said act, or in their absence, of their deputies, was made felony, is of no force, strength, ne effect, at this present, by reason of the act of repeal of certain treasons, felonies and præmunire, made in the first sessions of the parliament holden at Westminster in the first year of the Queen's majesty's reign: (2) Be it for good and reasonable considerations enacted and established by the authority of this present parliament, That the said branch or article, and every sentence and matter therein contained, be from henceforth wholly revived and recontinued, and be and remain in full strength and effect, to all intents, constructions and purposes, the said act of repeal notwithstanding: (3) And that all and every other article, clause, proviso and matter contained in the same act, shall stand, remain and be in their full force, effect and strength; any thing in this act contained to the contrary notwithstanding.*

1 M. sess. 1.
c. 1.

2 & 3 Ed. 6.
c. 2.

What relief of
friends or tenants
may be taken toward
service in war.

X. *And yet nevertheless where in the said act it is provided, That no person or persons should be charged for the taking or receiving of any gift or reward of any of his or their tenants or friends towards the relief, aid or help of the same persons being commanded to serve in wars, or otherwise to find men on horseback or on foot, within this realm or without; (2) nor for the gift, reward, aid, or help reserved, or covenanted to be paid or given to any person appointed to serve in wars, or to find horse or men to serve, by reason of any grant, covenant, reservation, custom or tenure; any thing in the said act to the contrary notwithstanding, as by the said act and proviso more plainly it doth and may appear: (3) Be it enacted by the authority of this present parliament, That no person or persons shall or may by colour of the said proviso, or of any words or matter therein contained, exact or demand, or levy any sum or sums of money, horse, armour or any other thing, other than shall be employed forthwith in the present service of those wars, of the King and Queen's majesties, her heirs or successors, for which it is levied: the which sum or sums of money, horse, armour or other thing, or as much thereof as shall not be spent, lost or consumed in the said service, shall be rendered and restored to such person or persons as paid or delivered the same, upon the penalties and forfeitures contained in the said act.*

Inhabitants in
cities, boroughs or
towns corporate, shall be
mustered only
within the
same.

XI. *Provided always, That no person or persons inhabiting within any city, borough or town corporate, being a county of itself, or in which any justices of peace be or hereafter shall be by charter, shall be compellable by virtue of this act to make his or their appearance with such furniture as is aforesaid, at any muster hereafter to be had or taken out of the suburbs, precinct or liberties of the same city, borough or town, nor before any person or persons authorized by commission or otherwise,*

otherwise, as is aforesaid, unless the mayor, or other head officer of such city, borough or town, and one other discreet inhabitant of the same at the least, be joined in the same commission or other authority, as is aforesaid, with the same person or persons so authorized, any thing before mentioned to the contrary notwithstanding.

CAP. IV.

An act that accessaries in murder and divers felonies shall not have the benefit of clergy.

FOR the due punishment of such as command, counsel or hire any person or persons to commit, perpetrate or do any petty treason, wilful murder, or any of the offences in this present act mentioned: (2) Be it enacted by the authority of this present parliament, That all and every person and persons, that after the first day of *March* next coming shall maliciously command, hire or counsel any person or persons to commit or do any petty treason, wilful murder, or to do any robbery in any dwelling-house or houses, or to commit or do any robbery in or near any highway in the realm of *England*, or in any other the *Queen's* dominions, or to commit or do any robbery in any place within the marches of *England* against *Scotland*, or willfully to burn any dwelling-house or any part thereof, or any barn then having corn or grain in the same; that then every such offender or offenders, and every of them being outlawed thereof, or being thereof arraigned and found guilty by the order of the law, or being otherwise lawfully attainted or convicted of the same offence; or being arraigned thereof do stand mute of malice or froward mind, or do challenge peremptory above the number of twenty persons, or will not answer directly to such offence, shall not have the benefit of his or their clergy.

Accessaries in petty treason, felony, murder, shall not have their clergy.
2 & 3 P. & M. c. 17.
Savil 46.
Dyer, 183, 186.
11 Co. 36.

II. Provided always, and be it enacted, That every lord and lords of the parliament, and peer and peers of the realm, having place and voice in the parliament upon every indictment for any of the offences aforesaid, shall be tried by their peers, as hath been accustomed by the laws of this realm.

Trial of a lord by his peers.

CAP. V.

An act touching the making of woollen clothes.

WHERE in the parliament bolden at *Westminster* in the fifth and sixth year of the reign of our late sovereign lord King *Edward the Sixth* there was, by great deliberation and advice, one good act made for the true and perfect making of woollen cloth within this realm; (2) sithence the making whereof, divers clothiers found themselves agrieved, alledging, That it is impossible for them to observe the same act in all points, and have in this present parliament prayed some mitigation thereof: It is therefore at their special instance and request ordered, established, enacted and provided, in manner and form following:

This act repealed as to the over lengths of clothes.

41 El. c. 10. f. 9.
How woollen clothes shall be made in length, breadth, and weight, and how the offenders therein shall be punished.
5 & 6 Ed. 6. c. 6.

II. *Imprimis*, That every white cloth and clothes commonly called

Long Worcesters, broad listed whites not to weigh less than seventy-five pounds.

27 El. c. 17. White clothes of Gloucester, Wiltshire, Somerset.

The weight of broad clothes. Explained by 4 Jac. 1. c. 2. l. 25.

Coarse short cloth.

Handywarp. Altered as to the weight by 43 El. c. 19. l. 5.

Lifts of handywarps.

Broad cloth made in the West-riding in Yorkshire.

Ordinary kerfie.

called long *Worcesters*, and all like clothes of like making mentioned in the said act, which by the same was limited to weigh eighty-four pounds, being well scoured, thicked, milled and fully dried, shall weigh three-score and fifteen pounds at the least.

III. *Item*, Every white cloth which shall be made in the counties of *Wiltshire*, *Gloucester* and *Somerset*, or any of them, or elsewhere of like making, being appointed by the said act to weigh sixty-four pounds, shall weigh, being well scoured, thicked, milled and fully dried, sixty-one pounds at the least.

IV. *Item*, Every broad-cloth made in the shires of *Kent* and *Suffex*, or at the town of *Reading*, or any of them, or elsewhere of like making, mentioned in the said act, which by the same was limited to weigh xc. pounds at the least, shall weigh, being well scoured, thicked, milled and full dried, lxxxvi. l. at the least.

V. *Item*, That every coarse short cloth made in the shires of *Suffolk*, *Norfolk* and *Essex*, or any of them, or elsewhere of like sort; and every coarse cloth to be made within the shire of *Kent*, not exceeding the price of vi. l. all which by the said act are appointed to contain seven quarters of a yard at the least in breadth, shall contain and be at the water, being thorow wet, six quarters and a half within the list thorow and by all the whole cloth at the least.

VI. *Item*, Every yard of cloth commonly called handywarp, being well scoured, thicked, milled and fully dried, shall contain the breadth specified in the said act, and shall weigh two pounds and a half at the least.

VII. *And forasmuch as many persons do counterfeit the making of Cocksal, Bocking and Braintree clothes, commonly called handywarps, adding thereunto such like lifts as the makers of such clothes do, to the great deceit of the King and Queen's majesties subjects: (2) Be it therefore enacted, That no person or persons from the first day of May next coming shall add unto any cloth or clothes any such like lift or lifts, except the warp thereof be spun upon the rock or distaff, upon pain of forfeiture of the same cloth or clothes, or the very value thereof: (3) Provided always, That the cloth-makers within the city of Worcester may make such lifts as they have done heretofore.*

VIII. *Item*, That no person or persons inhabiting within the west-riding in the county of *York* shall make or cause to be made any broad-cloth or clothes called pewkes, tawnies, violets or greens, except the wool thereof before it be converted into yarn be first dyed, litted and coloured with the colour blue, of the value of ij. d. a pound, upon pain of forfeiture of every such coloured cloth, or the value thereof, whereof the wool shall not be first dyed, litted and coloured with the colour blue, of ij. d. a pound, as is afore said.

IX. *Item*, That every ordinary kerfie mentioned in the said act shall contain in length in the water betwixt xvi. and xvii. yards, yard and inch; and being well scoured, thicked, milled, dressed

dressed and fully dried, shall weigh nineteen pounds the piece at the least: (2) And every kersie called Sorting kersie, mentioned in the said act, being well scoured, thicked, milled, dressed and fully dried, ready to be shewed, shall weigh xxii pound at the least.

Sorting kersie.
14 El. c. 10.
3 Jac. 1. c. 16.

X. And that every *Devonshire* kersie, called Doffon, the which is appointed by the same statute to weigh, being dry, xiv. pounds at the least, shall weigh, being well scoured, thicked, milled and fully dried, after the rate of every yard one pound at the least.

Devonshire kersie.

XI. *Item*. That one article mentioned in the said statute concerning *Welch* cottons, touching the length and weight, shall be clearly void; (2) and every gode of *Welch* lining shall contain and be three quarters of a yard in breadth in the water, and shall weigh one pound and a half quarter; (3) and every yard of cotton being fully wrought and cottoned shall weigh one pound at the least.

Welch linings.
5 & 6 Ed. 6.
c. 6. f. 16.

XII. And be it further enacted, That no person or persons which shall buy to sell again by way of retail, or otherwise, any of the said *Welch* linings, shall dress or work, or cause to be dressed or wrought within his or their dwelling-house or houses, or in any other place, by himself or his servant or servants, any of the said *Welch* linings, but shall put the same to some such person or persons as shall be of the art or science of sheermen, cottoners or frisers, to be by them wrought and dressed, upon pain of forfeiture for every *Welch* cotton or lining frised or cottoned to the contrary, vj. s. viij. d.

None that buy to sell again shall work any Welch lining.
8 El. c. 7.

XIII. *Item*, That all and every cotton or cottons called *Manchester*, *Lancashire* and *Cheshire* cottons, and all cloths called *Manchester* rugs, or *Manchester* frises, may be divided into two half pieces, and shall contain and be after the rate of such breadth and weight as in the said act is limited and appointed to be a whole piece of every the several pieces of cottons and rugs aforesaid; any thing in the said former statute to the contrary in any wise notwithstanding.

Cotton, rugs and frises, may be divided into two pieces.

XIV. And if any cloth or kersie of the several kinds of makings mentioned in the said former act, or this statute, do exceed the several lengths mentioned in the same, that then every yard so exceeding shall weigh after such rate as every yard of such cloth or kersies containing the said several lengths shall ought to weigh, upon pain of forfeiture for every yard not weighing after such rate, v. s.

Forfeiture for defaults in lengths and measures.

XV. And if any such cloth or kersies shall lack of such weight as by the said statute or this act it ought and is appointed to have, then the maker thereof, or other person in whose hands or possession the same shall be found, shall forfeit for every pound lacking above iv. l. v. s. and also for every pound exceeding, not above iv. l. ij. s. in manner and form as in the said former act is appointed.

XVI. *Item*, One article mentioned in the said statute, where- The aulne-ger's seal.

which shall prove purfy, bandy, squally, in or by warp or woof, or else shall happen to be evil burled or wasted in the mill, or otherwise to be full of holes, mill-bracks, or to be holely, shall be void and of none effect.

How faulty cloth shall be used.

XVII. *Item*, It is enacted, That if at any time after the first day of *May*, any cloth or kersie, through the default or negligence of the carders, spinners or weavers, or any of them, shall or do prove purfy, cockly, bandy, squally or rowy by warp or woof, or else shall happen to be evil burled, or wasted in the mill, or else through the default or negligence of the mill-man, or otherwise, to be full of holes, mill-bracks, or to be holely, that then the maker of every such cloth or kersie so being defective or faulty as is aforesaid, shall fix unto every end of the said cloth or kersie so being defective and faulty, and offered to be sold, one seal of lead, in the which seal shall be ingraved this word (*faulty*) upon pain of forfeiture of such cloth or kersie, or the value thereof, so offered to be sold, whereunto such seal shall not be fet.

No defective cloth shall be returned, but the merchant shall be recompensed upon a certificate brought.
Repealed by 43 El. c. 10. f. 9. touching these certificates.

XVIII *Item*, The article mentioned in the said former act, of returning of defective clothes, kersies, frises or cottons, being transported over the seas by the merchants, shall be utterly void. (2) But nevertheless, be it enacted by the authority aforesaid, That if it shall fortune hereafter any merchant or merchants to transport any cloth or clothes, kersies, frises or cottons, whereunto the seal with this word (*faulty*) was not annexed at the time of the sale thereof by the clothier, and the same clothes, kersies, frises or cottons, so transported, or any of them, to be found faulty or defective, and the same merchant or merchants thereof, within two years after such sale, to bring a certificate sealed with the seal of any town or company in the parts beyond the seas, or signed by a notary there after the accustomed manner, testifying and declaring thereby the loss and damage which the merchants shall have sustained by such defective and faulty cloth or clothes so transported; (3) that then the clothier or clothiers, or other person of whom the cloth or clothes was bought, their executors or administrators, shall within six weeks next after request made by the said merchant, his executors, administrators or assigns, well and truly satisfy, content and pay to such merchant, his executors, administrators, or assigns, all and every such sum and sums of money, as shall be mentioned, expressed and declared in the said certificate; (4) upon pain of forfeiture to the party grieved for every non-payment upon such request, double the value of such sum or sums mentioned in the said certificate.

Cloth wanting length, &c. whereunto the seal of a city, &c. shall be affixed.
Counterfeiting, setting to, or taking away of any

XIX. Provided always, That such merchant shall not in any wise have, by virtue of this act, any recompence for lack of length, breadth or weight, of or for any cloth whereunto the seal of any city, borough or town corporate shall be fixed.

XX. *Item*, If any person shall by himself, or by any other person by him procured, counterfeit, set to, or take away from any cloth, kersie, frise, rug or cotton, any seal appointed to be fixed

fixed to any cloth, kerfie, frise, rug or cotton, either by this act, or by the said former estatute, that then every such person so offending shall incur and have like penalties, forfeitures and punishments, as in the said former act is appointed and limited for the like offence.

XXI. And for the better execution as well of this present act as of the said former estatute, and to the intent that all kind of kerfies, cottons, frises, rugs and other woollen cloth made in any town, shall be better known; (2) it is further enacted, That the seal of every borough or town corporate, appointed or to be appointed for the sealing of any such kind of cloth, shall be fixed to all and every such kind of cloth being well and substantially made within such city, borough or town corporate: (3) Which cloth so sealed with the seal of any city, borough or town corporate, shall not be searched, tried or viewed by any searcher or sealer of any other city, borough or town corporate, by virtue of his said office; any thing in this act, or in the said former estatute to the contrary notwithstanding.

The town seal shall be set to clothes.

XXII. *Item*, Be it further enacted by the authority aforesaid, That every person and persons not dwelling and inhabiting within any city, borough or corporate town, and making any of the clothes or kerfies aforesaid, may lawfully bring the same to the next city, borough or town corporate, where any such kind of clothes or kerfies be or shall be commonly made, there to be sealed in manner and form as is before expressed.

Clothes made out of towns corporate may be sealed in the next town corporate, &c.

XXIII. *Item*, If any searcher or sealer, appointed or to be appointed by virtue of this present act or of the said former statute, shall set the seal of any city, borough or town corporate to any cloth which shall not contain such length, weight and breadth, as in the said former statute or in this present act is appointed, that then the mayor and commonalty or bailiff and commonalty, or other corporation of the township, by whatsoever name or names it or they shall be incorporate, where such cloth, kerfie, frise, cotton or rug; shall be so sealed, shall forfeit and lose the whole value of the cloth so sealed.

The forfeiture where a sealer setteth his seal to cloth wanting length.

XXIV. It is also enacted by the authority of this present parliament, That the said searchers or sealers and every one of them shall have full power and authority by virtue of this act, in the day-time to enter into all and every house and houses of every person or persons where he or they shall think meet, to search and to try all and every kind of clothes, kerfies, frises and rugs, as they shall find defective either in length, breadth, or weight, and the same to try by water and weight; (2) and also to search and seize as forfeit all and every cloth and clothes made of other colours than in the said former act is appointed; friers gray, crane colour, purple and old medley colours, most commonly used to be made before twenty years last past, only excepted.

The searchers and sealers may enter into any man's house to search.

XXV. And if any manner of person or persons at any time after the first day of *May* next coming shall deny, withstand or withhold any cloth or clothes, kerfies, frises, rugs, or any

The penalty for denying of searching or sealing.

of them, from the said sealers or searchers or any of them, or will not suffer them to enter into their shops, warehouses, houses or places where their clothes, kerfies, frises, or rugs shall be, the same to be searched and tried as is aforesaid, that then every such person or persons so denying or withstanding, for every such withstanding, with-holding or denial, to forfeit and lose ten pounds.

No searching in common markets or fairs.

XXVI. Be it likewise further enacted, That it shall not be lawful for any of the said searchers or sealers or any other person, to search any manner of woollen cloth or kerfie whereunto the seal of a city, borough or town-corporate shall be fixed, within the common cloth-market of *London*, commonly called *Blackwell-Hall*; or in any common cloth fair, or cloth-market of any other city, borough or town corporate, in and during the time of the fair or market; any act or statute to the contrary notwithstanding.

A confirmation of the statute of 5 & 6 Ed. 6. c. 6.

XXVII. Be it further enacted, That all and every article, clause and sentence in the said former statute made in the fifth and sixth years of the reign of our said late sovereign lord King *Edward the Sixth*, being not repugnant or contrary to any article, clause or sentence contained in this present act, shall stand in full force and effect.

Penalties in the former act altered in this.

XXVIII. Provided always, That no person or persons shall incur the danger, penalty or forfeiture limited and appointed for any offence in the said former act, the which is already mitigated or otherwise appointed by this present act.

Every cloth marked with M.

XXIX. And be it further enacted by the authority aforesaid, That every clothier shall cause every cloth which he shall put to sale from and after the feast of the nativity of *St. John Baptist* next coming; to be marked with the letter M crowned, wrought in the cloth, upon pain to forfeit xx. s. for every cloth being sold or put to sale by any such clothier after the said feast, not marked with the said letter M, as is aforesaid.

No coloured cloth shall be put to sale but these within named.

Repealed by 21 Jac. 1. c. 28. l. 11.

XXX. And moreover, be it enacted by the authority aforesaid, That no person or persons after the said feast of the nativity of *St. John Baptist* shall sell or put to sale within the realm of *England*, any coloured cloth of any other colour or colours than are hereafter mentioned, that is to say, scarlet, red, crimson, morrey, violet, pewke, brown, blue, black, green, yellow, blue, orange, tawney, russet, marble grey, sad new colour, azure, watchet, sheeps colour, lion colour, motly, iron grey, friers grey, crane colour, purple, and old medley colour, most commonly used to be made above and before twenty years last past.

XXXI. Item, *Whereas divers ancient cities, boroughs and towns corporate within this realm of England, have been in times past well and substantially inhabited, occupied, maintained and upholden, as well by reason of making of broad woollen clothes and kerfies, as also by divers other artificers inhabiting then in the said towns, at which time also the villages and husband towns flourished, and husbandry and tillage was well maintained, to the great benefit of the realm and all*

the people therein: (2) Forasmuch as divers years past, such persons as do use the feat or mystery of cloth-making, not contented to live as artificers, and with the trade wherein they have been brought up, do daily plant themselves in villages and towns, being no cities, boroughs nor corporate towns, and there occupying the feat and place of a husbandman, do not only engross divers farms and pastures into their hands, displeasing the husbandman, and decaying the ploughs and tillages, but also draw with them out of the cities, boroughs and towns corporate, all sorts of artificers, whereby not only divers ancient cities, boroughs and towns corporate are utterly decayed, destroyed and depopulated, but also husbandry and tillages very much decayed, to the great hurt, damage and prejudice of this realm and the people therein, if speedy remedy be not foreseen: (3) And forasmuch also as the weavers and workmen of clothiers when they have been trained up in the trade of cloth-making and weaving three or four years, do forsake their masters, and do become clothiers and occupiers for themselves, without stock, skill or knowledge, to the great slander of the true cloth-making, besides a great number of inconveniencies which do grow to the commonwealth of this realm thereby, as daily experience teacheth:

XXXII. Be it therefore ordained and enacted by the authority of this present parliament, That from and after the first day of *May* next coming no person or persons whatsoever shall use or exercise the feat or mystery of making, weaving or rowing of woollen cloths long or short, or kerries, pinned whites or plain streits, to the intent to put the same to sale, but only in a market-town where cloth hath commonly been used to be made by the space of ten years last past, or in a city, borough or town corporate, upon pain of forfeiture for every such woollen cloth or kerrie made, woven or rowed, out of such city, borough, town corporate or market town, v. l.

None shall make cloth to sell but in a city, borough, and where it hath been used to be made.
25 H. 8. c. 18.
18 El. c. 16.
27 El. c. 23.
Repealed by
21 Jac. I. c. 28.
f. 11.

XXXIII. And it is further enacted, That from and after the first day of *May* no person whatsoever shall weave or make, or put to weaving or making, any woollen clothes or kerries last rehearsed, to be sold, unless such person shall have been apprentice to the occupation of making, weaving and rowing of cloth or kerries, or have been exercised therein by the space of seven years before, upon pain of forfeiture of such cloth or the value thereof.

Who only may weave cloth to be sold.

XXXIV. And be it further enacted by the authority aforesaid, That all and every pains, penalties and forfeitures to be due by force of this statute, or of the said former act, being not otherwise appointed, shall be divided equally into two parts, whereof the one shall be to the Queen's highness, her heirs and successors, and the other unto him that will seize (in cases where seizure is limited or appointed) or else to him or them that will sue for the same pains, penalties and forfeitures, or any of them, by action, bill, plaint, information or otherwise, in any court of record, wherein no essoin, protection, wager of law or injunction shall be admitted, allowed or obeyed.

Who shall have the forfeitures.

XXXV. Provided always, That it shall be lawful to any person

person now using or exercising the feat or mystery of making, weaving or rowing of cloth or kerfies, to inhabit and dwell where he now doth, and there to use the making, weaving or rowing of cloth or kerfie, as he hath done heretofore; any thing in this act to the contrary notwithstanding.

Who may make cloth out of a market town. Extended to Bocking, &c. in Essex. 1 El. c. 14.

XXXVI. Provided always, That it shall be lawful to all and every person or persons which now do, or hereafter shall inhabit or dwell in any of the shires of *North Wales*, or *South Wales*, *Cheshire*, *Lancashire*, *Westmorland*, *Cumberland*, *Northumberland*, bishoprick of *Durham*, *Cornwall*, *Suffolk*, *Kent*, the town of *Goddalmine* in the county of *Surrey* or *Yorkshire*, being not within twelve miles of the city of *York*, or in any the towns or villages near adjoining the water of *Stroud* in the county of *Gloucester*, where clothes have been usually made by the space of twenty years last past, and having been prentice to the occupation of cloth making, or exercised in the same by the space of seven years, to set up, use and exercise the feat or mystery of making, weaving or rowing of cloth out of a city, borough or market-town, as heretofore they might have done; any thing in this act to the contrary notwithstanding.

Using the making of cloth at the time of the statute.

XXXVII. Provided also, That it shall be lawful to any person now using or exercising, or that hath used or exercised the feat or mystery of cloth-making, the same to continue, use and exercise, although he hath not been thereunto apprentice, or have exercised the same by the space of seven years; any thing in this act to the contrary notwithstanding.

The coloured clothes which any person had at the time of this statute might be sold.

XXXVIII. Provided always, and be it also further enacted by the authority aforesaid, That it shall be lawful to every person and persons to sell and put to sale by retail or otherwise, all and every such coloured cloth and clothes as he or they now have, as freely as he or they may lawfully sell any clothes of the colours in this present act allowed to be sold, until the feast of *St. Michael* the archangel next ensuing; this act or the said former statute in any wise notwithstanding.

CAP. VI.

Every person born under the dominion of the French King, not being denizen (other than such as the King and Queen will licence to remain) shall depart this realm, and not return during the wars between the French King and the King and Queen. The King and Queen during the Queen's life, may upon any misdemeanor proved, repeal by proclamation any letters patents made to any Frenchmen to be free denizens sithence anno 3^o H. 8. and then the Queen shall have the said denizens land during his life, but his heir shall enjoy it after his death. EXP.

CAP. VII.

An act to make up the jury with circumstantibus, where the King and Queen's Majesty is a party.

WHERE in the parliament holden at Westminster the fourteenth day of January in the thirty-fifth year of the reign of the most noble and victorious prince King Henry the Eighth, late King of England, among other things, it was enacted and established, for

A Tales de circumstanti-

for the speedy trial of issues joined between party and party, in any of the King's courts of record holden at Westminster, to be tried by the verdict of twelve men, before the justices of assise or Nisi Prius; (2) that in every writ of Habeas Corpora, or Distringas with a Nisi Prius delivered of record to the sheriff, or other minister or ministers to whom the making of the return shall appertain, where a full jury shall not appear before the justices of assise or Nisi Prius, or else where after appearance of a full jury, by challenge of any of the parties, the jury is like to remain untaken for default of the jurors, that then the same justices upon request made by the parties plaintiff or demandant, shall have authority, by virtue of the said act, to command the sheriff, or other minister or ministers to whom the making of the said return shall appertain, to name and appoint, as often as need shall require, so many of such other able persons of the said county, then present at the said assises or Nisi Prius, as shall make up a full jury; which persons so to be named and impanelled by such sheriff, or other minister or ministers, shall be added to the former panel, and their names annexed to the same, as by the said act more at large appeareth: (3) Which statute was made to endure till the end of the next parliament, and after was and is from time to time continued, and doth now remain, stand, and be in effect; (4) which act doth not extend to any jury impanelled to try an issue joined between the King and the party, or between such as pursue any matter for the King and themselves:

II. Be it therefore enacted, ordained and established by the King and Queen's majesties, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June next coming the justices of assise and Nisi Prius, before whom any trial shall be made by virtue of any writ of Habeas Corpora or Distringas, with a Nisi Prius, where a full jury shall not appear, or after appearance of a full jury, by challenge the jury is like to remain untaken for default of jurors, shall have authority by virtue of this act, upon request made for the King and Queen, her heirs or successors, by any authorised thereunto, or assigned by the justices of the court before whom the said inquest shall be taken, or upon request to be made by the party that followeth as well for the King and Queen, her heirs and successors, as for himself, upon any penal statute, or his or their attorney, to command the sheriff, or other minister or ministers to whom the making of the said return shall appertain, to name and appoint, as often as need shall require, so many of such other able persons of the said county, then present at the said assises or Nisi Prius, and to add and annex the names to the former panel, as shall make up a full jury of twelve men, for the trial of every such issue:

III. And that all and every clause, sentence, article and proviso, comprised in the said former act, shall be taken, interpreted and expounded, to give the like and the same advantage and commodity to the King and Queen's majesties, her heirs and successors, and all such person and persons as shall pursue any

bus shall be granted upon request in a suit commenced upon any penal statutes.
35 H. 8. c.6.

action, plaint, bill or information for the King and Queen's majesties, her heirs and successors only, or for them and the party, as the party plaintiff in any other action should or might have by virtue of the same act, in such form and condition to all intents and purposes, as if such actions or suits for the King had been specially and particularly mentioned and declared in the said act.

C A P. VIII.

An act for the punishment of such as shall take away maidens that be inheritors, being within the age of sixteen years, or that marry them without consent of their parents.

Punishment of such as take away maidens, &c. within sixteen years of age, &c.

WHERE maidens and women, children of noblemen, gentlemen and others, as well such as be heirs apparent to their ancestors, as others, having left unto them by their father, or other ancestor and friends, lands, tenements and hereditaments, or other great substances in goods and chattels moveable, for and to the intent to advance them in marriage, somewhat like according to their degrees and as might be most for their surety and comfort, as well for themselves as of all other their friends and kinsfolks, be oftentimes unawares to their said friends or kinsfolks, by flattery, trifling gifts and fair promises, of many unthrifty and light personages, and thereto by the intreaty of persons of lewd demeanour, and others that for rewards buy and sell the said maidens and children, secretly allured and won to contract matrimony with the said unthrifty and light personages, and thereupon either with sleight or force oftentimes be taken and conveyed away from their said parents, friends or kinsfolks, to the high displeasure of Almighty God, disparagement of the said children, and the extream continual heaviness of all their friends: Which ungodly dealing, for lack of wholesome laws to the redress thereof remaineth a great, familiar and common mischief in this our commonwealth.

II. For remedy whereof, be it enacted by the King and Queen's majesties, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That it shall not be lawful to any person or persons to take or convey away, or cause to be taken or conveyed away, any maid or woman child unmarried, being under the age of sixteen years, out of or from the possession, custody or governance, and against the will of the father of such maid or woman child, or of such person or persons to whom the father of such maid or woman child, by his last will and testament, or by any other act in his life-time, hath or shall appoint, assign, bequeath, give or grant the order, keeping, education or governance of such maid or woman child, except such taking and conveying away as shall be had, made or done, by or for such person or persons, as without fraud or covin be or then shall be the master or mistress of such maid or woman child, or the guardian in socage, or the guardian in chivalry, of or to such maid or woman child.

III. And be it further enacted by the authority aforesaid, That

3 Mod. 168,

169.

4 Mod. 145.

That if any person or persons above the age of xiv. years, shall from and after the first day of April next coming unlawfully take or convey or cause to be taken or conveyed, any maid or woman child unmarried, being within the age of xvi. years, out of or from the possession and against the will of the father or mother of such child, or out of or from the possession and against the will of such person or persons as then shall happen to have, by any lawful ways or means, the order, keeping, education or governance of any such maiden or woman child; that then every such person and persons so offending, being thereof lawfully attainted or convicted by the order and due course of the laws of this realm (other than such of whom such person taken away shall hold any lands or tenements by knights service) shall have and suffer imprisonment of his or their bodies, by the space of two whole years, without bail or mainprise, or else shall pay such fine for his or their said offence, as shall be assessed by the council of the Queen's highness, her heirs or successors, in the star-chamber at *Westminster*.

The penalty for taking a maid under xvi. years of age.

2 Mod. 128.

IV. And be it further enacted by the authority aforesaid, That if any person or persons, after the said day, shall so take away, or cause to be taken away as is aforesaid, and deflower any such maid or woman child as is aforesaid, or shall against the will, or unknowing of or to the father of any such maid or woman child, if the father be in life, or against the will or unknowing of the mother of any such maid or woman child, (having the custody or governance of such child, if the father be dead) by secret letters, messages, or otherwise contract matrimony with any such maiden or woman child, except such contracts of matrimony as shall be made by the consent of such person or persons, as by the title of wardship shall then have or be intituled to have the marriage of such maid or woman child; that then every such person or persons so offending, being thereof lawfully convicted, as is aforesaid, shall suffer imprisonment of his or their bodies, by the space of five years, without bail or mainprise, or else shall pay such fine for his or their said offence, as shall be assessed by the said council in the said star-chamber; (2) the one moiety of all which forfeitures and fines shall be to the King and Queen's majesties, her heirs and successors, the other moiety to the parties grieved.

The penalty for taking away, deflowering or contracting matrimony with a woman under xvi. years of age.

V. And be it further enacted by the said authority, That the King and Queen's highness honourable council of the star-chamber, by bill of complaint or information, and justices of assize by inquisition or indictment, shall have authority by virtue of this act to hear and determine the said offences; (2) upon every which indictment and inquisitions, such process shall be awarded and lie, as upon an indictment of trespass at the common law.

Who may hear and determine the offences aforesaid.

VI. And further be it enacted by the authority aforesaid, That if any woman child or maiden, being above the age of twelve years, and under the age of sixteen years, do at any time consent or agree to such person that so shall make any contract

The forfeiture of a woman consenting to an unlawful contract.

3 Mod. 84.

tract of matrimony, contrary to the form and effect of this statute, that then the next of the kin of the same woman child or maid, to whom the inheritance should descend, return or come, after the decease of the same woman child and maid, shall from the time of such assent and agreement have, hold and enjoy all such lands, tenements and hereditaments, as the same woman child and maiden had in possession, reversion or remainder, at the time of such consent and agreement, during the life of such person that shall so contract matrimony: (2) And after the decease of such person so contracting matrimony, that then the said lands, tenements and hereditaments, shall descend, revert, remain, and come to such person or persons as they should have done in case this act had never been had ne made, other than to him only that so shall contract matrimony.

Orders for orphans.

VII. Provided always, and be it enacted, That this act, nor any thing therein contained, shall extend to take away or diminish any liberty, custom or authority, touching or concerning any orphan or orphans, which now be or hereafter shall be within the city of *London*, or any other city, borough or town, where orphans are commonly used to be provided for, either by grant or by custom, but that the lord mayor of the said city of *London*, and the aldermen of the same for the time being, and all and every other head officer or officers of any other city, borough or town, where such orphans be provided for, shall and may have and take like rule, order, keeping and charge of such orphan and orphans and of all their lands, tenements, goods and chattels, as heretofore they or any of them lawfully had or used, or lawfully might have had and used, if this had not been made.

CAP. IX.

The statutes made anno 22 H. 8. c. 7. anno 23 H. 8. c. 3 & 17. anno 24 H. 8. c. 9. anno 28 H. 8. c. 6, 8, 9. anno 31 H. 8. c. 7. anno 35 H. 8. c. 17. anno 37. H. 8. c. 23. anno 2 & 3 Ed. 6. c. 9. anno 3 & 4 Ed. 6. c. 19, & 21. anno 5 & 6 Ed. 6. c. 14. anno 7 Ed. 6. c. 11. anno 1 Ma. fell. 2. c. 22 & 13. anno 1 & 2 Ph. & Ma. c. 3 & 16. anno 2 & 3 Ph. & Ma. c. 2, 3, 5. shall be revived, and made to continue until the last day of the next parliament.

CAP. X.

A confirmation of a subsidy of eight shillings in the pound, granted by the clergy to the King and Queen, to be paid in four years. EXP.

CAP. XI.

An act of a subsidy and one fifteen, granted by the temporality. EXP.

Anno primo Reginæ ELIZABETHÆ.

At the parliament begun at Westminster the xxv. day of January, in the first year of the reign of our sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And then and there holden, kept and continued until the dissolution of the same, being the eight day of May then next ensuing, were enacted as followeth.

¶ Inft. 7.
Vide Dyer
203. que cest
parliament
commence le
25 jour.
The older
editions have
it the twenty-
third.

CAP. I.

An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.

MOST humbly beseech your most excellent Majesty, your faithful and obedient subjects, the lords spiritual and temporal, and the commons, in this your present parliament assembled, That where in time of the reign of your most dear father, of worthy memory, King Henry the Eighth, divers good laws and statutes were made and established, as well for the utter extinguishment and putting away of all usurped and foreign powers and authorities out of this your realm, and other your Highness dominions and countries, as also for the restoring and uniting to the imperial crown of this realm, the ancient jurisdictions, authorities, superiorities and pre-eminences to the same of right belonging or appertaining, by reason whereof we your most humble and obedient subjects, from the xxv. year of the reign of your said dear father, were continually kept in good order, and were disburdened of divers great and intolerable charges and exactions before that time unlawfully taken and exacted by such foreign power and authority as before that was usurped, until such time as all the said good laws and statutes by one act of parliament made in the first and second years of the reigns of the late King Philip and Queen Mary, your Highness sister, intituled an act repealing all statutes, articles and provisions made against the see apostolick of Rome since the twentieth year of King Henry the Eighth, and also for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity, were all clearly repealed and made void, as by the same act of repeal more at large doth and may appear; by reason of which act of repeal, your said humble subjects were estfoons brought under an usurped foreign power and authority, and do yet remain in that bondage, to the intolerable charges of your loving subjects, if some redress (by the authority of this your high court of parliament, with the assent of your Highness) be not had and provided:

All ancient jurisdiction restored to the crown.

A repeal of divers statutes, and revivor of others, and all foreign power abolished.
1 & 2 Ph. & M.
c. 8.

1. Roll. 162.
Hct. 121.

II. May it therefore please your Highness, for the suppressing of

A repeal of
the stat. of 1
& 2 Ph. & M.
c. 8.

of the said usurped foreign power, and the restoring of the rites, jurisdictions and preheminences appertaining to the imperial crown of this your realm, that it may be enacted by authority of this present parliament, That the said act made in the said first and second years of the reigns of the said late King *Philip* and Queen *Mary*, and all and every branches, clauses and articles therein contained (other than such branches, clauses and sentences, as hereafter shall be excepted) may from the last day of this session of parliament, by authority of this present parliament, be repealed, and shall from thenceforth be utterly void and of none effect :

A revivor of
the statutes
hereafter specified,
viz.
23 H. 8. c. 9.

III. And that also for the reviving of divers of the said good laws and statutes made in the time of your said dear father, it may also please your Highness, That one act and statute made in the xxij. year of the reign of the said late King *Henry* the Eighth, intituled, An act, That no person shall be cited out of the diocess wherein he or she dwelleth, except in certain cases.

24 H. 8. c. 12.

IV. And one other act made in the xxiv. year of the reign of the said late King, intituled, An act, That appeals in such cases as hath been used to be pursued to the see of *Rome*, shall not be from henceforth had ne used, but within this realm :

25 H. 8. c. 20.
not printed in
the former
editions.

V. And one other act made the xxv. year of the said late King, concerning restraint of payment of annates and first-fruits of archbishopricks and bishopricks to the see of *Rome* :

25 H. 8. c. 19.

VI. And one other act in the said xxv. year, intituled, An act concerning the submission of the clergy to the King's majesty :

25 H. 8. c. 20.

VII. And also one act made in the said xxv. year, intituled, An act restraining the payment of annates or first-fruits to the bishop of *Rome*, and of the electing and consecrating of archbishops and bishops within this realm :

25 H. 8. c. 21.

VIII. And one other act made in the said xxv. year, intituled, An act concerning the exoneration of the King's subjects from exactions and impositions heretofore paid to the see of *Rome*, and for having licences and dispensations within this realm, without suing further for the same :

26 H. 8. c. 14.

IX. And one other act made in the xxvi. year of the said late King, intituled, An act for nomination and consecration of suffragans within this realm :

26 H. 8. c. 16.

X. And also one other act made in the xxvij. year of the reign of the said late King, intituled, An act for the release of such as have obtained pretended licences and dispensations from the see of *Rome*; (2) and all and every branches, words and sentences in the said several acts and statutes contained, by the authority of this present parliament, from and at all times after the last day of this session of parliament, shall be revived, and shall stand and be in full force and strength, to all intents, constructions and purposes : (3) And that the branches, sentences and words of the said several acts, and every of them, from thenceforth shall and may be judged, deemed and taken to extend to your Highness, your heirs and successors, as fully and largely as ever
the

The sentences
and branches
in the afore-
said statutes
shall extend to
the Queen.

the same acts, or any of them, did extend to the said late King *Henry* the Eighth, your highness father.

XI. And that it may also please your Highness, that it may ^{32 H. 8. c. 35.} be enacted by the authority of this present parliament, That so much of one act or statute made in the xxxij. year of the reign of your said dear father King *Henry* the Eighth, intituled, An act concerning precontracts of marriages, and touching degrees of consanguinity, as in the time of the late King *Edward* the ^{2 & 3 Ed. 6.} Sixth, your Highness most dear brother, by one other act or ^{c. 23.} statute, was not repealed;

XII. And also one act made in the xxxvij. year of the reign ^{37 H. 8. c. 17.} of the said late King *Henry* the Eighth, intituled, An act that doctors of the civil law, being married, may exercise ecclesiastical jurisdiction; (2) and all and every branches and articles in the said two acts last mentioned, and not repealed in the time of the said late King *Edward* the Sixth, may from henceforth likewise stand and be revived, and remain in their full force and strength, to all intents and purposes; any thing contained in the said act or repeal before mentioned, or any other matter or cause to the contrary notwithstanding.

XIII. And that it may also please your Highness, that it may ^{What statutes repealed by the statute of 1 & 2 Ph. & M. c. 8. shall continue repealed.} further be enacted by the authority aforesaid, That all other laws and statutes, and the branches and clauses of any act or statute, repealed and made void by the said act of repeal, made in the time of the said late King *Philip* and queen *Mary*, and not in this present act specially mentioned and revived, shall stand, remain, and be repealed and void, in such like manner and form as they were before the making of this act; any thing herein contained to the contrary notwithstanding.

XIV. And that it may also please your Highness, that it may ^{A revivor of the statute 1 Ed. 6. c. 1.} be enacted by the authority aforesaid, That one act and statute made in the first year of the reign of the late King *Edward* the Sixth, your majesty's most dear brother, intituled, An act against such persons as shall unreverently speak against the sacrament of the body and blood of Christ, commonly called the Sacrament of the Altar, and for the receiving thereof under both kinds, and all and every branches, clauses and sentences therein contained, shall and may likewise from the last day of this session of parliament be revived, and from thenceforth shall and may stand, remain and be in full force, strength and effect, to all intents, constructions and purposes, in such like manner and form as the same was at any time in the first year of the reign of the said late King *Edward* the Sixth; any law, statute, or other matter to the contrary in any wise notwithstanding.

XV. And that also it may please your Highness, that it may ^{A repeal of the statute of 1 & 2 Ph. & M. c. 6. R. 2. stat. 2. c. 5. 2 H. 4. c. 15; 2 H. 5. c. 7.} be further established and enacted by the authority aforesaid, That one act and statute made in the first and second years of the said late King *Philip* and Queen *Mary*, intituled, An act for the reviving of three statutes made for the punishment of ^{c. 5.} heresies; and also the said three statutes mentioned in the said ^{2 H. 4. c. 15; 2 H. 5. c. 7.} act, and by the same act revived, (2) and all and every branches,
 articles,

articles, clauses and sentences contained in the said several acts and statutes, and every of them, shall be from the last day of this session of parliament deemed and remain utterly repealed, void and of none effect, to all intents and purposes; any thing in the said several acts, or any of them contained, or any other matter or cause to the contrary notwithstanding.

The abolishing of foreign authority.

XVI. And to the intent that all usurped and foreign power and authority spiritual and temporal, may for ever be clearly extinguished, and never to be used or obeyed within this realm, or any other your Majesty's dominions or countries; (2) may it please your Highness that it may be further enacted by the authority aforesaid, That no foreign prince, person, prelate, state or potentate spiritual or temporal, shall at any time after the last day of this session of parliament use, enjoy or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence or privilege spiritual or ecclesiastical, within this realm, or within any other your Majesty's dominions or countries that now be, or hereafter shall be, but from thenceforth the same shall be clearly abolished out of this realm, and all other your Highness dominions for ever; any statute, ordinance, custom, constitutions, or any other matter or cause whatsoever to the contrary in any wise notwithstanding.

Co. pla. fol. 465, 487. Ecclesiastical jurisdiction annexed to the crown. 1 Leonard 176.

XVII. And that also it may likewise please your Highness, that it may be established and enacted by the authority aforesaid, That such jurisdictions, privileges, superiorities and pre-eminences spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been, or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts and enormities, shall for ever by authority of this present parliament be united and annexed to the imperial crown of this realm.

XVIII. And that your Highness, your heirs and successors, Kings or Queens of this realm, shall have full power and authority by virtue of this act, by letters patents under the great seal of *England*, to assign, name and authorize, when and as often as your Highness, your heirs or successors shall think meet and convenient, and for such and so long time as shall please your Highness, your heirs or successors, such person or persons being natural-born subjects to your Highness, your heirs or successors, as your Majesty, your heirs or successors shall think meet, to exercise, use, occupy and execute under your Highness, your heirs and successors, all manner of jurisdictions, privileges and pre-eminences, in any wise touching or concerning any spiritual or ecclesiastical jurisdiction, within these your realms of *England* and *Ireland*, or any other your Highness dominions and countries: (2) and to visit, reform, redress, order, correct and amend all such errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority or jurisdiction,

The Queen may assign commissioners to exercise ecclesiastical jurisdiction. Repealed 16 Car. 1. c. 11. f. 3.

tion, can or may lawfully be reformed, ordered, redressed, corrected, restrained or amended, to the pleasure of Almighty God, the increase of virtue, and the conservation of the peace and unity of this realm; (3) and that such person or persons so to be named, assigned, authorized and appointed by your Highness, your heirs or successors after the said letters patents to him or them made and delivered, as is aforesaid, shall have full power and authority by virtue of this act, and of the said letters patents under your Highness, your heirs and successors, to exercise, use and execute all the premises, according to the tenour and effect of the said letters patents; any matter or cause to the contrary in any wise notwithstanding.

XIX. And for the better observation and maintenance of this act, may it please your Highness that it may be further enacted by the authority aforesaid, That all and every archbishop, bishop, and all and every other ecclesiastical person, and other ecclesiastical officer and minister, of what estate, dignity, preheminance or degree soever he or they be or shall be, (2) and all and every temporal judge, justice, mayor and other lay or temporal officer and minister, and every other person having your Highness fee or wages, (3) within this realm, or any your Highness dominions, shall make, take and receive a corporal oath upon the evangelist, before such person or persons as shall please your Highness, your heirs or successors, under the great seal of *England* to assign and name, to accept and to take the same according to the tenour and effect hereafter following; that is to say,

Who are compellable to take the oath. Ecclesiastical persons and officers. Judge. Justice. Mayor. Temporal officer. He that hath the Queen's fee.

I *A. B.* do utterly testify and declare in my conscience, That the Queen's highness is the only supreme governor of this realm, and of all other her Highness dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, person, prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, preheminance, or authority ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities and authorities, and do promise, that from henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, preheminences, privileges and authorities granted or belonging to the Queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm. So help me God, and by the contents of this book.

The Oath of the Queen's supremacy. Repealed by 1 W. & M. sess. 1. c. 8. s. 2. 1 Bulst. 199.

XX. And that it may also be enacted, That if any such archbishop, bishop or any other ecclesiastical officer or minister, or any of the said temporal judges, justiciaries, or other lay officer or minister, shall peremptorily or obstinately refuse to take or receive the said oath; that then he so refusing shall forfeit and lose only during his life all and every ecclesiastical and spiritual promotion, benefice and office, and every temporal and lay promotion and office, which he hath solely at the time of such refusal made; and that the whole title, interest, and incumbency, in every such promotion, benefice, and other office, as against such person only so refusing, during his life, shall clearly cease and be void, as though the party so refusing were dead.

The penalty for refusing the oath.

XXI. And

XXI. And that also all and every such person and persons so refusing to take the said oath, shall immediately after such refusal, be from thenceforth, during his life, disabled to retain or exercise any office or other promotion which he at the time of such refusal hath jointly, or in common, with any other person or persons.

XXII. And that all and every person and persons, that at any time hereafter shall be preferred, promoted or collated to any archbishoprick or bishoprick, or to any other spiritual or ecclesiastical benefice, promotion, dignity, office or ministry; or that shall be by your Highness, your heirs or successors, preferred or promoted to any temporal or lay office, ministry or service within this realm, or in any your Highness dominions, before he or they shall take upon him or them to receive, use, exercise, supply, or occupy any such archbishoprick, bishoprick, promotion, dignity, office, ministry or service, shall likewise make, take, and receive the said corporal oath before mentioned, upon the evangelist, before such persons as have or shall have authority to admit any such person to any such office, ministry or service, or else before such person or persons as by your Highness, your heirs or successors, by commission under the great seal of *England*, shall be named, assigned or appointed to minister the said oath.

XXIII. And that it may likewise be further enacted by the authority aforesaid, That if any such person or persons, as at any time hereafter shall be promoted, preferred or collated to any such promotion spiritual or ecclesiastical, benefice, office or ministry, or that by your Highness, your heirs or successors, shall be promoted or preferred to any temporal or lay office, ministry or service, shall and do peremptorily and obstinately refuse to take the same oath so to him to be offered; that then he or they refusing shall presently be judged disabled in the law to receive, take or have the same promotion spiritual or ecclesiastical, or the same temporal office, ministry or service within this realm, or any other your Highness dominions, to all intents, constructions and purposes.

He that sueth
livery or *oustre*
le maine.

XXIV. And that it may be further enacted by the authority aforesaid, That all and every person and persons temporal, suing livery or *oustre le maine* out of the hands of your Highness, your heirs or successors, before his or their livery or *ouster le maine* sued forth and allowed, (2) and every temporal person or persons doing any homage to your Highness, your heirs or successors, or that shall be received into service with your Highness, your heirs or successors, (3) shall make, take and receive the said corporal oath before mentioned, before the lord chancellor of *England*, or the lord keeper of the great seal for the time being, or before such person or persons as by your Highness, your heirs or successors, shall be named and appointed to accept or receive the same.

He that doeth
homage to the
Queen.
He that shall
be received
into the
Queen's ser-
vice.

He that taketh
orders.
He that taketh
degrees in any
university.

XXV. And that also all and every person and persons taking orders, and all and every other person and persons which shall be promoted or preferred to any degree of learning in any univer-

univer-

university within this your realm or dominions, before he shall receive or take any such orders, or be preferred to any such degree of learning, shall make take and receive the said oath by this act set forth and declared as is aforesaid, before his or their ordinary, commissary, chancellor or vicechancellor, or their sufficient deputies in the said university.

XXVI. Provided always, and that it may be further enacted by the authority aforesaid, That if any person, having any estate of inheritance in any temporal office or offices, shall hereafter obstinately and peremptorily refuse to accept and take the said oath as is aforesaid, and after at any time during his life shall willingly require to take and receive the said oath, and so do take and accept the same oath before any person or persons that shall have lawful authority to minister the same; that then every such person, immediately after he hath so received the said oath, shall be vested, judged and deemed in like estate and possession of the said office, as he was before the said refusal, and shall and may use and exercise the said office in such manner and form as he should or might have done before such refusal; any thing in this act contained to the contrary in any wise notwithstanding.

XXVII. And for the more sure observation of this act, and the utter extinguishment of all foreign and usurped power and authority; (2) may it please your Highness, that it may be further enacted by the authority aforesaid, That if any person or persons dwelling or inhabiting within this your realm, or in any other your Highness realms or dominions, of what estate, dignity or degree soever he or they be, after the end of thirty days next after the determination of this session of this present parliament, shall by writing, printing, teaching, preaching, express words, deed or act, advisedly, maliciously and directly affirm, hold, stand with, set forth, maintain or defend, the authority, preheminance, power or jurisdiction, spiritual or ecclesiastical, of any foreign prince, prelate, person, state or potentate whatsoever, heretofore claimed, used or usurped within this realm, or any dominion or country being within or under the power, dominion or obedience of your Highness; (3) or shall advisedly, maliciously and directly put in ure or execute any thing for the extolling, advancement, setting forth, maintenance or defence of any such pretended or usurped jurisdiction, power, preheminance and authority, or any part thereof; (4) that then every such person and persons so doing and offending, their abettors, aiders, procurers and counsellors, being thereof lawfully convicted and attainted, according to the due order and course of the common laws of this realm, for his or their first offence shall forfeit and lose unto your Highness, your heirs and successors, all his and their goods and chattels, as well real as personal.

XXVIII. And if any such person so convicted or attainted shall not have or be worth of his proper goods and chattels to the value of twenty pounds, at the time of his conviction or attainder, that then every such person so convicted or attainted, over and besides the forfeiture of all his said goods and chattels,

He that hath estate of inheritance in a temporal office, first refuseth, and then taketh the oath.

The penalty of the maintenance of foreign authority.
Dyer 363.

The forfeiture for the first offence.

shall have and suffer imprisonment by the space of one whole year, without bail or mainprise.

Forfeiture of
the second of-
fence.

XXIX. And that also all and every the benefices, prebends and other ecclesiastical promotions and dignities whatsoever, of every spiritual person so offending, and being attained, shall immediately after such attainder be utterly void to all intents and purposes, as though the incumbent thereof were dead; (2) and that the patron and donor of every such benefice, prebend, spiritual promotion and dignity, shall and may lawfully present unto the same, or give the same, in such manner and form as if the said incumbent were dead; (3) and if any such offender or offenders, after such conviction or attainder, do estfoons commit or do the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attained, as is aforesaid; that then every such offender and offenders shall for the same second offence incur into the dangers, penalties and forfeitures ordained and provided by the statute of provision and *Præmunire*, made in the sixteenth year of the reign of King *Richard* the Second.

16 R. 2. c. 5.

The penalty
of the third
offence.

XXX. And if any such offender or offenders, at any time after the said second conviction and attainder, do the third time commit and do the said offences, or any of them, in manner and form aforesaid, and be thereof duly convicted and attained, as is aforesaid; that then every such offence or offences shall be deemed and adjudged high treason, and that the offender or offenders therein, being thereof lawfully convicted and attained, according to the laws of this realm, shall suffer pains of death, and other penalties, forfeitures and losses, as in cases of high treason by the laws of this realm.

Within what
time an of-
fender shall be
impeached.

XXXI. And also that it may likewise please your Highness, that it may be enacted by the authority aforesaid, That no manner of person or persons shall be molested or impeached for any of the offences so committed or perpetrated only by preaching, teaching or words, unless he or they be thereof lawfully indicted within the space of one half year next after his or their offences so committed: (2) and in case any person or persons shall fortune to be imprisoned for any of the said offences committed by preaching, teaching, or words only, and be not thereof indicted within the space of one half year next after his or their such offence so committed and done; that then the said person so imprisoned shall be set at liberty, and be no longer detained in prison for any such cause or offence.

All things
touching the
præmunire in
1 & 2 Ph. & M.
c. 8. f. 40. do
continue in
force.

XXXII. Provided always and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not in any wise extend to repeal any clause, matter or sentence contained or specified in the said act of repeal made in the said first and second years of the reigns of the said late King *Philip* and Queen *Mary*, as doth in any wise touch or concern any matter or cause of *Præmunire*, or that doth make or ordain any matter or cause to be within the case of *Præmunire*; (2) but that the same, for so much only as toucheth or concerneth any case,

case, or matter of *Præmunire*, shall stand and remain in such force and effect, as the same was before the making of this act; any thing in this act contained to the contrary in any wise notwithstanding.

XXXIII. Provided also, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not in any wise extend or be prejudicial to any person or persons for any offence or offences committed or done, or hereafter to be committed or done, contrary to the tenor and effect of any act or statute now revived by this act, before the end of thirty days next after the end of the session of this present parliament; any thing in this act contained, or any other matter or cause to the contrary notwithstanding.

Offences committed against statutes revived.

XXXIV. And if it happen that any peer of this realm shall fortune to be indicted of and for any offence that is revived or made *Præmunire* or treason by this act; that then he so being indicted shall have his trial by his peers, in such like manner and form as in other cases of treason hath been used.

Trial of peers.

XXXV. Provided always, and be it enacted as is aforesaid, That no manner of order, act or determination for any matter of religion, or cause ecclesiastical, had or made by the authority of this present parliament, shall be accepted, deemed, interpreted or adjudged at any time hereafter, to be any error, heresy, schism or schismatical opinion; any order, decree, sentence, constitution or law, whatsoever the same be, to the contrary notwithstanding.

No matter of religion, &c. made by this parliament shall be adjudged error, heresy, or schism.

XXXVI. Provided always, and be it enacted by the authority aforesaid, That such person or persons to whom your Highness, your heirs or successors, shall hereafter by letters patents, under the great seal of *England*, give authority to have or execute any jurisdiction, power or authority spiritual, or to visit, reform, order or correct any errors, heresies, schisms, abuses or enormities by virtue of this act, shall not in any wise have authority or power to order, determine or adjudge any matter or cause to be heresy, but only such as heretofore have been determined, ordered or adjudged to be heresy, by the authority of the canonical scriptures, or by the first four general councils, or any of them, or by any other general council wherein the same was declared heresy by the express and plain words of the said canonical scriptures, or such as hereafter shall be ordered, judged or determined to be heresy by the high court of parliament of this realm, with the assent of the clergy in their convocation; any thing in this act contained to the contrary notwithstanding.

Commissioners may adjudge such things to be heresy as are so declared by the scripture, the first four general councils, or the parliament, with the convocation.
1 Hale's H. P. c. 404.

XXXVII. And be it further enacted by the authority aforesaid, That no person or persons shall be hereafter indicted or arraigned for any of the offences made, ordained, revived or adjudged by this act, unless there be two sufficient witnesses or more, to testify and declare the said offences whereof he shall be indicted or arraigned: (2) and that the said witnesses, or so many of them as shall be living and within this realm at the time of the arraignment of such person so indicted, shall be brought forth in person face to face before the party so arraigned,

None shall be indicted or arraigned but by two witnesses.

and there shall testify and declare what they can say against the party so arraigned, if he require the same.

A proviso for them that give relief to offenders.

XXXVIII. Provided also, and be it further enacted by the authority aforesaid, That if any person or persons shall hereafter happen to give any relief, aid or comfort, or in any wise be aiding, helping or comforting to the person or persons of any that shall hereafter happen to be an offender in any matter or case of *Præmunire* or treason revived or made by this act; that then such relief, aid or comfort given shall not be judged or taken to be any offence, unless there be two sufficient witnesses at the least, that can and will openly testify and declare that the person or persons that so gave such relief, aid or comfort had notice and knowledge of such offence committed and done by the said offender, at the time of such relief, aid or comfort so to him given or ministréd; any thing in this act contained, or any other matter or cause to the contrary in any wise notwithstanding.

Chetwood's appeal to the court of Rome.

XXXIX. *And where one pretended sentence hath heretofore been given in the consistory in Paul's before certain judges delegate, by the authority legantine of the late cardinal Poole, by reason of a foreign usurped power and authority, against Richard Chetwood esq; and Agnes his wife, by the name of Agnes Woodhall, at the suit of Charles Tyrrel gentleman, in a cause of matrimony solemnized between the said Richard and Agnes, as by the same pretended sentence more plainly doth appear, from which sentence the said Richard and Agnes have appealed to the court of Rome, which appeal doth there remain, and yet is not determined:*

XL. May it therefore please your Highness, that it may be enacted by the authority aforesaid, That if sentence in the said appeal shall happen to be given at the said court of *Rome* for and in the behalf of the said *Richard* and *Agnes*, for the reversing of the said pretended sentence, before the end of threescore days next after the end of this session of this present parliament, that then the same shall be adjudged and taken to be good and effectual in the law, and shall and may be used, pleaded and allowed in any court or place within this realm; any thing in this act, or in any other act or statute contained to the contrary notwithstanding.

XLI. And if no sentence shall be given at the court of *Rome* in the said appeal for the reversing of the said pretended sentence before the end of the said threescore days, that then it shall and may be lawful for the said *Richard* and *Agnes*, and either of them, at any time hereafter, to commence, take, sue and prosecute their said appeal from the said pretended sentence, and for the reversing of the said pretended sentence, within this realm, in such like manner and form as was used to be pursued, or might have been pursued within this realm, at any time since the twenty-fourth year of the reign of the said late King *Henry* the Eighth, upon any sentences given in the court or courts of any archbishop within this realm.

XLII. And that such appeal as so hereafter shall be taken or pursued by the said *Richard Chetwood* and *Agnes*, or either of them, and

and the sentence that herein or thereupon shall hereafter be given, shall be judged to be good and effectual in the law to all intents and purposes; any law, custom, usage, canon, constitution, or any other matter or cause to the contrary notwithstanding.

XLIII. Provided also, and be it enacted by the authority aforesaid, That where there is the like appeal now depending in the said court of *Rome* between *Robert Harcourt*, merchant of the staple, and *Elizabeth Harcourt*, otherwise called *Elizabeth Robins*, of the one party, and *Anthony Fidell*, merchant stranger, on the other party; that the said *Robert*, *Elizabeth* and *Anthony*, and every of them, shall and may, for the prosecuting and trying of their said appeal, have and enjoy the like remedy, benefit and advantage, in like manner and form as the said *Richard* and *Agnes*, or any of them, hath, may or ought to have and enjoy; this act or any thing therein contained to the contrary in any wise notwithstanding. 23 Eliz. c. 1.

An appeal between Robert Harcourt and Anthony Fydell.

CAP. II.

An act for the uniformity of common prayer and service in the church, and administration of the sacraments.

WHERE at the death of our late sovereign lord King Edward 13 & 14 Car. 2. the Sixth there remained one uniform order of common service^{c. 4.} and prayer, and of the administration of sacraments, rites and ceremonies in the church of England, which was set forth in one book, intituled, *The book of common prayer, and administration of sacraments, and other rites and ceremonies in the church of England; authorized by act of parliament holden in the fifth and sixth years of our said late sovereign lord King Edward the Sixth, intituled, An act for the uniformity of common prayer, and administration of the sacraments; the which was repealed and taken away by act of parliament in the first year of the reign of our late sovereign lady Queen Mary, to the great decay of the due honour of God, and discomfort to the professors of the truth of Christ's religion;*

Stat. 5 & 6 Ed. 6. c. 1.

A repeal of the statute of 1 M. sess. 2. c. 2.

II. Be it therefore enacted by the authority of this present parliament, That the said estatute of repeal, and every thing therein contained, only concerning the said book, and the service, administration of the sacraments, rites and ceremonies, contained or appointed in or by the said book, shall be void and of none effect, from and after the feast of the nativity of St. *John Baptist* next coming; (2) and that the said book, with the order of service, and of the administration of sacraments, rites and ceremonies, with the alterations and additions therein added and appointed by this estatute, shall stand and be, from and after the said feast of the nativity of St. *John Baptist*, in full force and effect, according to the tenor and effect of this estatute; any thing in the aforesaid estatute of repeal to the contrary notwithstanding.

And the book of common prayer shall be of effect.

1 Leon. 295.

III. And further be it enacted by the Queen's highness, with the assent of the lords and commons in this present parliament

The book of common prayer shall

be used.
8 Eliz. c. 1.

ment assembled, and by the authority of the same, That all and singular ministers in any cathedral or parish church, or other place within this realm of *England, Wales*, and the marches of the same, or other the Queen's dominions, shall from and after the feast of the nativity of St. *John Baptist* next coming be bounden to say and use the mattens, even-song, celebration of the Lord's supper and administration of each of the sacraments, and all the common and open prayer, in such order and form as is mentioned in the said book, so authorized by parliament in the said fifth and sixth years of the reign of King *Edward* the Sixth, with one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants, and none other or otherwise.

The alterations of the book set forth. 5 & 6 Ed. 6. c. 1.

The forfeiture of those which use any other service than the book of common prayer. Godbolt 118. pl. 137.

3 Mod. 78.

The penalty for depraving the book of common prayer.

IV. And that if any manner of parson, vicar or other whatsoever minister, that ought or should sing or say common prayer mentioned in the said book, or minister the sacraments, from and after the feast of the nativity of St. *John Baptist* next coming, refuse to use the said common prayers, or to minister the sacraments in such cathedral or parish church, or other places as he should use to minister the same, in such order and form as they be mentioned and set forth in the said book; (2) or shall wilfully or obstinately, standing in the same, use any other rite, ceremony, order, form or manner of celebrating of the Lord's supper, openly or privily, or mattens, even-song, administration of the sacraments, or other open prayers, than is mentioned and set forth in the said book, (3) (open prayer in and throughout this act, is meant that prayer which is for others to come unto, or hear, either in common churches, or private chapels or oratories, commonly called, the service of the church.) (4) or shall preach, declare or speak any thing in the derogation or depraving of the said book, or any thing therein contained, or of any part thereof, (5) and shall be thereof lawfully convicted, according to the laws of this realm, by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact, shall lose and forfeit to the Queen's highness, her heirs and successors, for his first offence, the profit of all his spiritual benefices or promotions coming or arising in one whole year next after his conviction: (6) and also that the person so convicted shall for the same offence suffer imprisonment for the space of six months, without bail or mainprise.

The penalty for the second offence.

V. And if any such person once convicted of any offence concerning the premises, shall after his first conviction afterwards offend, and be thereof in form aforesaid lawfully convicted, that then the same person shall for his second offence suffer imprisonment by the space of one whole year, (2) and also shall therefore be deprived, *ipso facto*, of all his spiritual promotions; (3) and that it shall be lawful to all patrons or donors of all and singular the same spiritual promotions or of any them, to present

present or collate to the same, as though the person or persons so offending were dead.

VI. And that if any such person or persons, after he shall be twice convicted in form aforesaid, shall offend against any of the premisses the third time, and shall be thereof in form aforesaid lawfully convicted, that then the person so offending and convicted the third time, shall be deprived, *ipso facto*, of all his spiritual promotions, and also shall suffer imprisonment during his life.

The penalty for the third offence.

VII. And if the person that shall offend, and be convicted in form aforesaid, concerning any of the premisses, shall not be benefited, nor have any spiritual promotion, that then the same person so offending and convict, shall for the first offence suffer imprisonment during one whole year next after his said conviction, without bail or mainprise.

The penalty of an offender having no spiritual promotion.

VIII. And if any such person, not having any spiritual promotion, after his first conviction shall afterwards offend in any thing concerning the premisses, and shall in form aforesaid be thereof lawfully convicted, that then the same person shall for his second offence suffer imprisonment during his life.

IX. And it is ordained and enacted by the authority aforesaid, That if any person or persons whatsoever, after the said feast of the nativity of St. *John Baptist* next coming, shall in any enterludes, plays, songs, rhymes, or by other open words, declare or speak any thing in the derogation, depraving or despising of the same book, or of any thing therein contained, or any part thereof: (2) or shall by open fact, deed or by open threatnings, compel or cause, or otherwise procure or maintain, any parson, vicar or other minister in any cathedral or parish church, or in chapel, or in any other place, to sing or say any common or open prayer, or to minister any sacrament otherwise, or in any other manner and form, than is mentioned in the said book; (3) or that by any of the said means shall unlawfully interrupt or let any parson, vicar or other minister in any cathedral or parish church, chapel, or any other place, to sing or say common and open prayer, or to minister the sacraments or any of them, in such manner and form, as is mentioned in the said book; (4) that then every such person, being thereof lawfully convicted in form aforesaid, shall forfeit to the Queen our sovereign lady, her heirs and successors, for the first offence an hundred marks.

The forfeiture of them which do any thing, or speak in the derogation of the book of common prayer. Causing other prayer to be said or sung. Coke, pl. fol. 362. 1 Roll. 95. 1 Mod. 168.

The forfeiture of an hundred marks for the first offence.

X. And if any person or persons being once convict of any such offence, afterwards offend against any of the last recited offences, and shall in form aforesaid be thereof lawfully convicted; that then the same person so offending and convict shall for the second offence forfeit to the Queen our sovereign lady, her heirs and successors, four hundred marks.

The forfeiture of four hundred marks for the second offence.

XI. And if any person, after he in form aforesaid shall have been twice convict of any offence concerning any of the last recited offences, shall offend the third time, and be thereof in form aforesaid lawfully convict, That then every person so offend-

The forfeiture for the third offence.

ing and convict shall for his third offence forfeit to our sovereign lady the Queen, all his goods and chattels, and shall suffer imprisonment during his life.

The penalty if the party convicted do not pay his forfeiture within the time limited.

XII. And if any person or persons, that for his first offence concerning the premisses shall be convict in form aforesaid, do not pay the sum to be paid by virtue of his conviction, in such manner and form as the same ought to be paid, within six weeks next after his conviction; that then every person so convict, and so not paying the same, shall for the same first offence, instead of the said sum, suffer imprisonment by the space of six months, without bail or mainprise.

XIII. And if any person or persons, that for his second offence concerning the premisses shall be convict in form aforesaid, do not pay the said sum to be paid by virtue of his conviction and this estatute, in such manner and form as the same ought to be paid, within six weeks next after his said second conviction; that then every person so convicted, and not so paying the same, shall for the same second offence, in the stead of the said sum, suffer imprisonment during twelve months, without bail or mainprise.

Every person shall resort to the church upon the holy days.
Godbolt 148. pl. 191.
One justice may convict the offender, &c. by 3 Jac. 1. c. 4. f. 27.
2 Roll. 438, 455. March 93.
The forfeiture for not coming to church.
23 Eliz. c. 1.
21 Co. 56.
2 Roll. 89.

XIV. And that from and after the said feast of the nativity of St. *John Baptist* next coming, all and every person and persons inhabiting within this realm, or any other the Queen's majesty's dominions, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday, and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preaching or other service of God there to be used and ministred; (2) upon pain of punishment by the censures of the church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands and tenements of such offender, by way of distress.

XV. And for due execution hereof, the Queen's most excellent majesty, the lords temporal, and all the commons, in this present parliament assembled, do in God's name earnestly require and charge all the archbishops, bishops and other ordinaries, that they shall endeavour themselves to the uttermost of their knowledges, that the due and true execution hereof may be had throughout their diocese and charges, as they will answer before God, for such evils and plagues wherewith Almighty God may justly punish his people for neglecting this good and wholesome law.

The ordinary may punish offenders by the censures of the church.

XVI. And for their authority in this behalf, be it further enacted by the authority aforesaid, That all and singular the said archbishops, bishops, and all other their officers exercising ecclesiastical

ecclesiastical jurisdiction, as well in place exempt as not exempt, within their diocese, shall have full power and authority by this act to reform, correct and punish by censures of the church, all and singular persons which shall offend within any their jurisdictions or diocese, after the said feast of the nativity of St. *John Baptist* next coming, against this act and statute; any other law, statute, privilege, liberty or provision heretofore made, had or suffered, to the contrary notwithstanding.

XVII. And it is ordained and enacted by the authority aforesaid, That all and every justices of *oyer* and *determiner*, or justices of assize, shall have full power and authority in every of their open and general sessions, to enquire hear and determine all and all manner of offences that shall be committed or done contrary to any article contained in this present act, within the limits of the commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

Which justices may punish these offences.

XVIII. Provided always, and be it enacted by the authority aforesaid, That all and every archbishop and bishop shall or may at all time and times, at his liberty and pleasure, join and associate himself, by virtue of this act, to the said justices of *oyer* and *determiner*, or to the said justices of assize, at every of the said open and general sessions to be holden in any place within his diocese, for and to the enquiry, hearing and determining of the offences aforesaid.

A bishop may join with the justices to enquire of offenders.

XIX. Provided also, and be it enacted by the authority aforesaid, That the books concerning the said services shall at the costs and charges of the parishioners of every parish and cathedral church, be attained and gotten before the said feast of the nativity of St. *John Baptist* next following; (2) and that all such parishes and cathedral churches, or other places where the said books shall be attained and gotten before the said feast of the nativity of St. *John Baptist*, shall within three weeks next after the said books so attained and gotten use the said service, and put the same in ure according to this act.

At whose charges the books of common prayer shall be gotten.

XX. And be it further enacted by the authority aforesaid, That no person or persons shall be at any time hereafter impeached or otherwise molested of or for any of the offences above-mentioned, hereafter to be committed or done contrary to this act, unless he or they so offending be thereof indicted at the next general sessions to be holden before any such justices of *oyer* and *determiner* or justices of assize, next after any offence committed or done contrary to the tenor of this act.

Within what time offenders shall be impeached. Godbolt 148. pl. 191.

XXI. Provided always, and be it ordained and enacted by the authority aforesaid, That all and singular lords of the parliament, for the third offence above-mentioned, shall be tried by their peers.

Trial of peers.

XXII. Provided also, and be it ordained and enacted by the authority aforesaid, That the mayor of *London*, and all other mayors,

Chief officers of cities and boroughs shall

enquire of offenders.

mayors, bailiffs and other head officers of all and singular cities, boroughs and towns corporate within this realm, *Wales*, and the marches of the same, to the which justices of assize do not commonly repair, shall have full power and authority by virtue of this act to enquire, hear and determine the offences above-said, and every of them, yearly within fifteen days after the feast of *Easter*, and *St. Michael* the archangel, in like manner and form as justices of assize and *oyer* and *determiner* may do.

The ordinary's jurisdiction in these cases.

XXIII. Provided always, and be it ordained and enacted by the authority aforesaid, That all and singular archbishops and bishops, and every of their chancellors, commissaries, archdeacons and other ordinaries, having any peculiar ecclesiastical jurisdiction, shall have full power and authority by virtue of this act, as well to enquire in their visitation, synods, and elsewhere within their jurisdiction at any other time and place, to take accusations and informations of all and every the things above-mentioned, done, committed or perpetrated within the limits of their jurisdictions and authority, and to punish the same by admonition, excommunication, sequestration or deprivation, and other censures and process, in like form as heretofore hath been used in like cases by the Queen's ecclesiastical laws.

None shall be punished above once for one offence.

XXIV. Provided always, and be it enacted, That whatsoever persons offending in the premisses shall for their offences first receive punishment of the ordinary, having a testimonial thereof under the said ordinary's seal, shall not for the same offence estfoons be convicted before the justices: (2) and likewise receiving for the said offence punishment first by the justices, shall not for the same offence, estfoons receive punishment of the ordinary; any thing contained in this act to the contrary notwithstanding.

Ornaments of the church and ministers.

XXV. Provided always, and be it enacted, That such ornaments of the church and of the ministers thereof, shall be retained and be in use, as was in this church of *England* by authority of parliament, in the second year of the reign of King *Edward* the Sixth, until other order shall be therein taken by the authority of the Queen's majesty, with the advice of her commissioners appointed and authorized under the great seal of *England* for causes ecclesiastical, or of the metropolitan of this realm.

XXVI. And also, That if there shall happen any contempt or irreverence to be used in the ceremonies or rites of the church, by the mis-using of the orders appointed in this book, the Queen's majesty may, by the like advice of the said commissioners or metropolitan, ordain and publish such further ceremonies or rites, as may be most for the advancement of God's glory, the edifying of his church, and the due reverence of Christ's holy mysteries and sacraments.

All laws and ordinances made for other service shall be void.

XXVII. And be it further enacted by the authority aforesaid, That all laws, statutes and ordinances, wherein or wheremade by any other service, administration of sacraments or common prayer,

prayer, is limited, established or set forth to be used within this realm, or any other the Queen's dominions or countries, shall from henceforth be utterly void and of none effect. *Made perpetual by 5 Ann. c. 5. as to the establishment of the church.*

CAP. III.

An act for recognition of the Queen's highness to the imperial crown of this realm.

AS there is nothing under God (most dread sovereign Lady) whereof we your most humble, faithful and obedient subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, have, may or ought to have more cause to rejoice, than in this only, that it hath pleased God of his merciful providence and goodness towards us and this our realm, not only to provide, but also to preserve and keep for us and our wealths, your royal Majesty our most rightful and lawful sovereign liege lady and Queen, most happily to reign over us; for the which we do give and yield unto him from the bottoms of our hearts, our humble thanks, lauds and praises; (2) even so there is nothing that we your said subjects for our parties can, may or ought towards your Highness more firmly, entirely and assuredly in the purity of our hearts think, or with our mouths declare and confess to be true, than that your Majesty, our said sovereign Lady is, and in very deed and of most meer right ought to be, by the laws of God, and the laws and statutes of this realm, our most rightful and lawful sovereign liege lady and Queen; (3) and that your Highness is rightly, lineally and lawfully descended and come of the blood royal of this realm of England, in and to whose princely person, and the heirs of your body lawfully to be begotten, after you, without all doubt, ambiguity, scruple or question, the imperial and royal estate, place, crown and dignity of this realm, with all honours, styles, titles, dignities, regalities, jurisdictions and preeminences to the same now belonging and appertaining, are and shall be most fully, rightfully, really and intirely invested and incorporated, united and annexed, as rightfully and lawfully, to all intents, constructions and purposes, as the same were in the late King Henry the Eighth, or in the late King Edward the Sixth, your Highness brother, or in the late Queen Mary your Highness sister, at any time since the act of parliament made in the thirty-fifth year of the reign of your said most noble father King Henry the Eighth, intituled, *An act concerning the establishment of the King's*

The recognizing the Queen's right to the crown.

Queen Elizabeth is and ought to be our lawful Queen.

35 H. 8. c. 1.

II. For which causes we your said most loving, faithful and obedient subjects, representing the three estates of your realm of England, as thereunto constrained by the law of God and man, except we should overmuch forget our duties to your Highness, and to the heirs of your body lawfully begotten, can no less do, but most humbly beseech your Highness, that by the authority of this present parliament it may be enacted, established and declared, That we do recognize, acknowledge and confess the same your estate, right, title and succession as is aforesaid, to be in and to your Highness, and the heirs of your body to be begotten

begotten throughoutly, and in the whole, and in every part thereof, in such manner and form as before is mentioned, declared or confessed; and thereunto most humbly and faithfully we do submit ourselves; our heirs and posterities for ever.

Queen Elizabeth's title to the crown of England recognized by parliament.

III. And further do make our most hearty and humble petition unto your Highness, That it may please the same, not only to accept this our said recognition, but also our faithful promises, that we, according to our duties, shall and will stand to, assist and defend your royal Majesty, and the heirs of your body to be begotten, being Kings and Queens of this realm, and your said rights and titles in and to the said imperial estate, place, crown and dignity in all things thereto belonging, at all times, to the uttermost of our possible powers, and therein to spend our bodies, lands and goods, against all persons whatsoever, that any thing shall attempt to the contrary.

The limitation of the crown contained in the statute of 35 H. 8. c. 1. shall be the law for ever.

IV. And that it may be enacted by the authority aforesaid, That as well this our declaration, confession and recognition, as also the limitation and declaration of the succession of the imperial crown of this realm, mentioned and contained in the said act made in the said five and thirtieth year of the reign of your said most noble father, shall stand, remain and be the law of this realm for ever.

V. And that all sentences, judgments and decrees, had, made, declared, set forth, published and promulged, and also as much of every clause, article, branch, matter or thing contained and expressed in any act or acts of parliament, as be in any thing repugnant, contrary or derogatory to this our said confession, declaration and recognition, or to any part or parcel thereof, or contrary to the said limitation of the succession of the imperial crown, established and made by the said act, in the said xxxv. year of the reign of the said late King Henry the Eighth, by whatsoever power or authority the same been or have been had or made, shall be utterly frustrate, void and of none effect: and also shall and may be cancelled, defaced, and put in perpetual oblivion, at your Highness will and pleasure, as if the same had never been had, made, declared, set forth, published or promulged.

CAP. IV.

An act for the restitution of the first-fruits to the crown.

A rehearsal of the statute of 26 H. 8. c. 3. touching first-fruits and tenths given to the King.

IN their most humble wise beseech your most excellent Majesty, your faithful and humble subjects the lords spiritual and temporal, and the commons of this your realm, in this present parliament assembled, That where in the parliament of your most noble father of famous memory, King Henry the Eighth, holden at Westminster upon prorogation the third day of November in the six and twentieth year of his prosperous reign, it was enacted, ordained and established by the authority of the same parliament, amongst other things, That his Highness, his heirs and successors, Kings of this realm, should have and enjoy from time to time, to endure for ever, of every such person and persons, which at any time after the first day of January then next ensuing

ensuing should be nominated, elected, preferred, presented, collated, or by any other means appointed to have any archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the King's dominions, of what name, nature or quality soever they were, or to whose foundation, patronage or gift soever they did belong, the first-fruits, revenues and profits for one year of every such archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chantry, free chapel, or other dignity, benefice, office or promotion spiritual asforesaid, whereunto any such person or persons should after the said first day of January be nominated, elected, preferred, presented, collated or by any other means appointed: (2) and that every such person and persons, before any actual or real possession, or meddling with the profits of any such archbishoprick, bishoprick, abbacy, monastery, college, hospital, deanry, provostship, prebend, parsonage, vicarage, chantry, free chapel, priory or other dignity, benefice, office, or promotion spiritual, should satisfy, content and pay, or compound, or agree to pay to the King's use at reasonable days, upon good sureties, the said first-fruits and profits for one year: The first-fruits.

II. And it was further enacted by the authority asforesaid, That the first-fruits of benefices, before that time accustomed to be paid to the bishop of Norwich within his diocese, and to the archdeacon of Richmond within his archdeaconry, or any other person or persons within this realm, or any other the King's dominions, should from the said first day of January cease and be extinct, and no longer be paid, but only to the King's highness, his heirs and successors, in such form as is before mentioned:

III. And further it was enacted by the authority asforesaid, That the King's majesty, his heirs and successors, for more augmentation and maintenance of the royal estate of his imperial crown, should yearly have, take, enjoy and receive, united and knit to his imperial crown, for ever, one yearly rent or pension, amounting to the value of the tenth part of all the revenues, rents, fermes, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, appertaining or belonging, or that from thenceforth should belong to any archbishoprick, bishoprick, abbacy, monastery, priory, archdeaconry, deanry, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, or other benefice or promotion spiritual, of what name, nature or quality soever they were, within any diocese of this realm, or in Wales; The tenths.
(2) the said pension or annual rent to be yearly paid for ever, to the said late King, his heirs and successors, at the feast of the nativity of our Lord God, and the first payment thereof to begin at the feast of the nativity of our Lord God, which should be in the year of our Lord God 1535, and to be paid yearly by such as should be appointed to have the collection thereof, before the first day of April next following after the said feast of the nativity of our Lord God, as in the said act more plainly it doth appear:

IV. And

- 26 H. 8. c. 17. IV. *And where also one other act was made and established in the said parliament the said twenty-sixth year, That no farmour of spiritual persons should be compelled or charged to pay for their lessors first-fruits or yearly pension for the tenth granted unto the King's highness, notwithstanding any covenant, contract, bond or other thing made to the contrary, as by the same act more plainly appeareth.*
- 27 H. 8. c. 8. V. *And where also at one other session of the same parliament, holden by prorogation at Westminster in the twenty-seventh year of the reign of your said father, one other act was made and established, That the King's spiritual subjects should be deducted and allowed of the tenth of their spiritual promotions for that year for which they should pay the first-fruits, as in the said act also more at large appeareth.*
- 28 H. 8. c. 11. VI. *And where also in one other parliament of the said late King, holden at Westminster in the twenty-eighth year of his reign, amongst other things, it was enacted and ordained, That the year in which the first-fruits of every benefice and spiritual promotion should be paid, should begin and be accounted immediately after the avoidance thereof: (2) and that the tithes, commodities, revenues, casualties and profits thereof (chantries only except) in the time of vacation, should belong and offere to the next incumbent, towards the payment of the first-fruits; as by the same act more at large appeareth.*
- 32 H. 8. c. 22. VII. *And where also in one other parliament, holden upon prorogation at Westminster in the thirty-second year of the reign of the said late King, one act was made and established, That bishops upon their accounts of and for the said yearly tenth should be discharged by their oaths, of payment of such sum or sums of money of the said annual rent or tenth, as they could not lawfully levy: (2) and also an order appointed how the King should be answered of the tenth of any benefice and spiritual promotion, omitted in the original or former certificate of benefices and spiritual promotions made in the Exchequer; as by the same act last mentioned more at large appeareth.*
- 32 H. 8. c. 45. VIII. *And where also in the same session and parliament holden in the said thirty-second year of the reign of your Highness said noble father, and by authority of the same parliament, one court was erected, established and made, for the better answering of the said first-fruits and tenths unto the King, called The court of first-fruits and tenths; as in the same act of erection thereof more fully appeareth.*
- 32 H. 8. c. 47. IX. *And where also in the same session and parliament one other act was made, whereby the bishop of Norwich for the time being (being before that discharged from the collection of the tenth within his diocese) should be charged and chargeable for ever, for and with the collection of the same tenth within his diocese, and make payment thereof, as other bishops should or ought to do within their dioceses; as by the same act more plainly appeareth.*
- 34 & 35 H. 8. c. 1. X. *And where also in one other parliament of the said late King, holden at Westminster upon prorogation in the thirty-fourth year of his reign, one act was established and made concerning collectors and receivers, to make payment of their receipts within three months next after the same should be due and paid to the King's use, under certain penalties therein expressed; as by the same act more at large appeareth.*

XI. And where also in the same session and parliament it was enacted and established, That the new erected bishops of Chester, Gloucester, Peterborough, Bristol, Oxford, and their successors for ever, should pay their tenths reserved upon their letters patents on their several erections, only in the said court of the first-fruits and tenths for ever; as by the same act more at large appeareth. 34 & 35 H. 8. c. 17.

XII. And where also in the parliament of the said late King, holden at Westminster in the thirty-seventh year of his reign, one act entitled, An act for the union of churches not exceeding the value of six pound, was established and made, wherein is contained a saving to the King of the first-fruits and tenths of all churches and chapels not exceeding the value of six pound, that then were or from thenceforth should be united and consolidate in one; as in the same act and saving more largely appeareth. 37 H. 8. c. 21.

XIII. And where also in the parliament of your Highness dearest brother of worthy memory, King Edward the Sixth, holden at Westminster upon prorogation in the second year of his reign, one act was made, That by the certificate of the bishop of any diocese within this realm, or any of the dominions of the same, of recusance or non-payment of any tenth of any benefice or spiritual promotion, the incumbent should lose but that benefice or promotion only; as by the same act more plainly appeareth. 2 & 3 Ed. 6. c. 20.

XIV. And where also in one other parliament of the said late King Edward, holden at Westminster in the seventh year of his reign, one act was made and established, declaring how and in what sort the under-collectors of the tenth in every diocese, appointed by the bishop, should be bound to discharge the bishops of that collection, and a longer day given for the payment of the tenth: (2) And how the King should be answered of the tenth for the time of vacation of every benefice and spiritual promotion, and that the patents of the collection of tenths, should be good only during the incumbency of the grantors; as in the same act more at large is contained. 7 Ed. 6. c. 4.

XV. And where also in the second session of parliament of our late sovereign lady Queen Mary, your Majesty's dearest sister, holden at Westminster in the first year of her reign, one act was made and established, whereby full power and authority was given and appointed unto her Highness, at her will and pleasure to alter, change, unite, transpose, dissolve or determine, as well the said court of first-fruits and tenths, as the court of augmentations of the revenues of the King's crown, and other courts therein expressed, and to reduce the same courts, or any of them, into one, two, or more court or courts, or to unite and annex the said courts or any two or more of them together, or to any other of her Majesty's courts of record, as to her it should be thought most convenient and best; for the better, sure and more speedy answering of her yearly revenues, casualties, and profits, then answerable in the said courts, or any of them, as in the same act more at large is expressed: (2) by vigour and authority of which act, the said late Queen by her Grace's four several letters patents, whereof two bear date the three and twentieth day of January in the first year of her reign, and the other two, the four and twentieth of January in the same year, did not only dissolve, determine and extinguish the said courts, commonly called and entitled, The court of the augmentations and 1 Mar. sess. 2. c. 10.

Queen Mary dissolved the courts of first-fruits and augmentations;

and annexed
them to the
Exchequer.

revenues of the King's crown, and the court of the first-fruits and tenths, and the jurisdiction and authority thereof; (3) but also did unite, transpose and annex the said courts of augmentation and revenues of the King's crown, and of the first-fruits and tenths so dissolved, to the court of the exchequer, there to be and continue as a member and parcel of the same court of the exchequer; (4) and did appoint all and singular the revenues, casualties, profits and hereditaments then answerable in the said courts, to the order, rule, survey and governance of the said court of the exchequer, there to be answered and accounted for ever, in such order, manner and form, as in the said letters patents, and in two schedules unto the said letters patents annexed, is mentioned and declared, as by the tenor and purport of the said letters patents and schedules signed with her Highness's hand, more plainly may appear.

26 H. 8. c. 3.

XVI. By reason of all which said premisses, not only the said perpetual revenues of the first-fruits and tenths granted by the said act in the twenty-sixth year of the reign of your Highness's most noble father, in augmentation and maintenance of the crown of this realm, but also the tenths and yearly rents reserved nomine decimæ, by any letters patents of your said noble father, sithence the said six and twentieth year of his reign, and of your said dearest brother and sister, or of any of them, made to any bishop and his successors, or to any cathedral church, dean and chapter, college or any other ecclesiastical and spiritual person or persons, or corporations, and their successors for ever; (2) and also all and every the rents, revenues, issues and profits of all and singular rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual to the same belonging, being in the hands and possession of your said dearest sister, at the said four and twentieth day of January, were ordered, answerable and accounted for in the said court of the exchequer, and were therein well and justly answered and paid unto her Highness's use and behoof, like as the same had been unto the said two noble Kings her said father and brother by the space of twenty years, without grief or contradiction of the prelates and clergy of the realm, to the great aid, relief and supportation of the inestimable charges of the crown of this realm, which daily since the time of the making of the said first act have increased and grown more and more.

Queen Mary's
zealous, but
not politick
respect.

XVII. Which thing although the said late Queen might and did manifestly feel and perceive to be most true, yet she upon certain zealous and inconvenient respects, not sufficiently nor politickly enough weighing that matter, nor having due consideration and regard to the maintenance and upholding, and good continuance of the estate of the imperial crown of this realm in succession, which rather needed an augmentation, than any diminution, procured and willed an act of parliament to be made and provided in the second and third years of the reign of King Philip her late husband and her, That all payments of the said first-fruits should from thenceforth cease and be clearly extinct and determined for ever: (2) And that as well all the said benefices and spiritual promotions, as the possessors, owners and incumbents thereof, and their successors, should from and after the eighth day

By the statute
made 1 & 3 Ph.
& M. c. 4. the

day of August in the said second and third years, and so from thenceforth at all times for ever, be clearly exonerate, acquitted and discharged against the said late King Philip and Queen Mary, her heirs and successors, of and from the payment and payments of all and every the said first-fruits, in as ample and large manner and form, as they were before the making of the said act of the first and original grant thereof, in the said six and twentieth year of the reign of the said late King your noble father, and as though the same had never been had ne made.

first-fruits and
tenths ceased.

26 H. 8. c. 3.

XVIII. And further, That neither the said perpetual pension, annual rent or tenth, granted by the said first act of the six and twentieth year of the said noble King Henry, nor also the said several annual rents or tenths reserved nomine decimæ by and upon the said several letters patents of the said late King and Queen, made to spiritual persons and corporations, as is aforesaid, or any of them, from and after the feast of St. Michael the archangel then last past, should any more be paid or payable unto the said late King Philip and Queen Mary, her heirs or successors; (2) but that as well all the said archbishopricks, bishopricks, and other benefices, dignities, deans and chapters, colleges, corporations and spiritual promotions aforesaid, as also the possessors, owners, proprietaries and incumbents of the same, and their successors, from and after the said feast of St. Michael the archangel, should be clearly exonerate, acquitted and discharged of and from the payment thereof, against them and the heirs and successors of the same late Queen for ever.

XIX. And furthermore, That the said late King Philip and Queen Mary, her heirs and successors, from and after the said feast of St. Michael the archangel, should not receive, perceive, take and enjoy any the issues, revenues, profits or commodities of the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual aforesaid or of any of them, or of the reversion or reversions of them or any of them: (2) but in and by the said act the same late King and Queen clearly gave over, renounced and relinquished, as well the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments ecclesiastical and spiritual aforesaid and every of them, and the reversion and reversions of them and every of them, and all their right, title, use, interest and demand of, in or to the same, from them and the heirs and successors of the said late Queen for ever, as also the said perpetual pension, annual rent and tenth, and also the said yearly rents reserved nomine decimæ upon the said several letters patents, and all their right, title and interest which they or either of them, or the heirs or successors of the said late Queen, had or might have had in or to the same.

XX. The same yearly pension, tenths, yearly rents, parsonages, emoluments and profits to be perceived, taken, received, counted, employed, used and disposed by the late reverend father in God Reginald Pool, late cardinal and legate, and such other persons as he should name and appoint, and such other as were specially limited in the said act, to and for certain uses, purposes and intents mentioned in the same act, with divers provisions and a saving in the same expressed and contained, as by the same more at large appeareth.

q & 3 Ph. & M.
c. 4.

XXI. We your said humble and obedient subjects, the lords spiritual and temporal and commons in this your present parliament assembled, calling to our remembrance the huge innumerable and inestimable charges of the royal estate and imperial crown of this realm, and how the same is left unto your Majesty at this your first entry thereunto, greatly diminished, as well by reason of the said act made in the said second and third years of the said King Philip and Queen Mary, as otherwise, do conceive at the bottom of our hearts great sorrow and heaviness, as subjects careful for their natural and liege sovereign lady, upon whom dependeth the surety, wordly joy and wealth of us all; (2) and being no less affected towards your Majesty's most royal person, and the preservation and maintenance of the same, and of the estate and succession of your Majesty's said crown, than were the first grantors of the said first-fruits and tenths towards your Highness most noble father, and his said royal estate, at the time of their said grant thereof to him made, do account of very right and good congruence no less than our most bounden duty, to move your Highness, and therewith do most humbly beseech the same, that the great disherison and decay committed and done to the crown, and estate royal of this your realm, and the succession thereof, by reason of the said act made in the said second and third years of the reign of the said King Philip and Queen Mary, may at this present parliament be reformed and avoided, and that with your Highness favour and royal assent, it may be enacted, ordained, established and provided by authority of this parliament, in manner and form hereafter ensuing:

A repeal of the
statute 1 & 3
Ph. & M. c. 4.

XXII. That is to say, That the said act made in the second and third years of the reign of the said late King Philip and Queen Mary, and all articles, clauses and sentences therein contained, shall be from and after the first day of this present parliament utterly and clearly repealed, made void, and of no force ne effect; (2) and all authorities and liberties granted, limited and appointed in and by the said act to the said late cardinal Pool, or made or derived, by force, strength or colour of the same act, by or from the said late cardinal, to any other person or persons, bodies politick or corporate, to cease and be utterly void and determined: (3) and that the said first-fruits, and all payments thereof, from and after the said first day of this parliament shall be revived, and have their being and continuance again, and be deemed and adjudged to all intents, constructions and purposes, in the Queen's highness most royal person, her heirs and successors, and united and annexed to the imperial crown of this realm, of and in such like and the same estate, interest, title, quality, sort, degree and condition, and in as ample and beneficial manner and form, as the same was or were in the person and possession of the said late Queen Mary, at and before the said eighth day of August, in the said act of extinguishment mentioned and expressed; the same act of extinguishment, or any letters patents, or any other matter or thing had, done or suffered by the said late Queen to the contrary thereof in any wise notwithstanding.

The first-fruits
revived.

XXIII. And

XXIII. And also that as well so much of the said perpetual and annual tenth and pension granted by the said act made in the said twenty-sixth year of the reign of the said late King *Henry the Eighth*, as also so much of the said yearly rents reserved upon the said several letters patents *nomine Decimæ*; (2) and also so many of the said rectories, parsonages and benefices inappropriate, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments, ecclesiastical and spiritual aforesaid, and the reversion and reversions thereof, and all rents, emoluments and profits incident to the same, as were in the hands and possession of the said late Queen *Mary*, at and before the said eighth day of *August*, shall from the feast of *St. Michael* the archangel last past be vested, adjudged and deemed, actually and really in the seisin and possession of our said sovereign lady Queen *Elizabeth*, her heirs and successors, to all intents, constructions and purposes, of and in such like and the same-estate, interest, order, degree, quality, sort and condition, and as fully, wholly, largely and beneficially, as the same were in the seisin and possession of the said late Queen *Mary*, at and before the same eighth day of *August*: (3) and that as well the said first-fruits and tenths, and the order thereof, as also the said annual rents reserved *nomine Decimæ*, and the said rectories, parsonages, benefices, glebe lands, tithes, oblations, pensions, portions and other profits and emoluments, ecclesiastical and spiritual aforesaid, and every of them, and the reversion and reversions of them, and of all rents and profits unto the same or any of them incident or belonging, shall be within the said order, survey, rule and governance of the said court of the exchequer, in every degree, sort and condition, as they were at and before the said eighth day of *August*; the said act made in the said second and third years, or any other matter or thing, to the contrary thereof notwithstanding.

The tenths received and rents reserved upon patents and promotions ecclesiastical.
26 H. 8. c. 1.

XXIV. And that so much of all and every the said acts and statutes first recited, or of any other act or statute touching or concerning the order, levying, true answering and payment, or qualification of the said first-fruits and tenths, and of the said rectories, parsonages and benefices inappropriate, and of the rents, revenues, emoluments and profits thereof, and of all other the premises, and also the charge, discharge or alteration of them or any of them, or any matter or thing in any wise founding or tending thereunto, which were standing and being in force, effect and unrepealed, at and before the said eighth day of *August* (except only the said acts of the erections of the courts of augmentations, and first-fruits and tenths) shall be, remain and continue in their full and perfect strengths and forces, and be observed and put in due execution, according to the tenours and purports of the same and every of them.

The before rehearsed statute revived.

XXV. And that the Queen's majesty, her heirs and successors, by authority of this present parliament, shall from the said first day of this present parliament have, hold, possess and enjoy for ever, the advowsons, gifts and patronages of all vicarages

The Queen shall have the advowson of vicarages belonging to be-rectories, &c.

belonging or incident to any of the said rectories and parsonages impropriate, in the same sort, quality, condition and degree, to all intents and purposes, as the same were in the person and possession of the said late Queen *Mary*, at and before the said eighth day of *August*; any thing or act done by the same late cardinal, or any grant or grants by letters patents made by the said late Queen *Mary*, of the said advowsons and patronages or any of them, to any ecclesiastical or spiritual person or persons, or any spiritual corporation, to the contrary in any wise notwithstanding :

A saving of
the right of
others.

XXVI. Saving to all and every person and persons, bodies politick and corporate, and their heirs, executors, successors and assigns and every of them, (other than such persons as be mentioned and named in any letters patents made by the said Queen *Mary* the said eighth day of *August*, or at any time sithence, or claiming only by or under the authority and strength of the same act or letters patents or any of them) all such right, title, interest, estate, offices, leases, grants, annuities, pensions, fees, corodies, rents and other yearly profits and commodities, as they or any of them ought or should have had, perceived or enjoyed, of, in or by reason of any the parsonages, rectories or of any other the premisses, in case the said former act now repealed, and this present act of repeal, had never been had ne made : any thing in the same acts or either of them contained or founding to the contrary thereof in any wise notwithstanding.

How Pensions
shall be paid.

XXVII. And be it further enacted by the authority aforesaid, That from and after the said feast of *St. Michael* the archangel last past, and so from thenceforth from time to time, the said pensions, annuities, rents, corodies, fees and other yearly payments, shall be paid and payable only by our said sovereign Lady, her heirs and successors, at the receipt of the exchequer, or in such other places, as the Queen's majesty, her heirs and successors shall appoint, to all and every person and persons that ought to have and enjoy the same, in such sort, order and form, as the same should or ought to have been paid and payable, in case the said act now repealed had never been had ne made ; any thing therein, or else in this act contained to the contrary thereof, in any wise notwithstanding.

They that
were in arrearages for rents,
&c. shall pay
the same to
the Queen.

XXVIII. And be it further enacted by authority aforesaid, That all and singular incumbents, proprietaries, tenants, farmers, lessees and occupiers of the premisses or any part thereof, their heirs, executors and assigns, which the said first day of this present parliament were behind, or in any arrearages of and with the rents, farms, tenths or other revenues, profits or duties, by them or any of them due and payable, for or by reason of the premisses or any of them, shall and may be by the authority of this act severally chargeable, accountable and answerable to the Queen's majesty, her heirs and successors, in and at the said court of the exchequer, of and for the same arrearages and duties as other accomptants be and shall be in the same court ; any thing in the said act now repealed, in this act, or any other

other matter or cause to the contrary thereof, in any wise notwithstanding. s & Ph. & M. c. 4.

XXIX. And yet nevertheless the Queen's most excellent majesty, at the humble request of her said subjects, of her abundant grace and bountifulness, is pleased and contented that it be enacted by the authority aforesaid, That all and singular vicarages not exceeding the yearly value of ten pounds, after the rate and value upon the records and books of the rates and values for the first-fruits and tenths now remaining in the exchequer, or that shall hereafter come and remain in the same court; and also all and singular parsonages not exceeding the yearly value of ten marks, after the like rate and valuation, and the incumbents thereof and of every of them, their executors, administrators, successors and sureties and every of them, from the said feast of *St. Michael* the archangel last past, shall be free and clearly discharged and acquitted for ever against the Queen's majesty, her heirs and successors, of and from the said first-fruits; any thing in the said act of first-fruits and tenths, made in the said six and twentieth year of the reign of the said late King *Henry* the Eighth, or in this act of repeal, or any other act or acts before recited, to the contrary thereof in any wise notwithstanding. Vicarages not exceeding x.li. shall pay no first-fruits.
Parsonages not exceeding ten marks shall pay no first-fruits.
26 H. 8. c. 3.

XXX. Provided always, and be it enacted by the authority aforesaid, That if any incumbent of any such promotion spiritual as is aforesaid, charged or chargeable to the payment of the said first-fruits, happen to live to the end of one half year next after the last avoidance of the same promotion spiritual, so as he hath received, or without fraud or covin might lawfully have received or enjoyed, the rents or profits of that half year, and before the end of the other half year then next following shall happen to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin, that then every such incumbent, his heirs, executors, administrators and sureties, shall be charged and chargeable but only with the fourth part of the first-fruits due to be paid for such his promotion, and with no more of the said first-fruits; any thing in this act contained, or any bond or writing to be made for the payment of the said first-fruits, or any other matter or cause to the contrary notwithstanding. The charge of the incumbent which liveth half a year after the avoidance.

XXXI. And if shall happen any such incumbent to live by the space of one whole year next after the last avoidance of the same spiritual promotion, and after before the end of one half year then next following shall fortune to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin; that then every such incumbent, his heirs, executors, administrators and sureties shall be charged and chargeable but only with the moiety and one half of the first-fruits due to be paid for such his promotion spiritual, and with no more of the same first-fruits; any thing in this act contained, or any bond His charge which liveth a whole year, &c.

belonging or incident to any of the said rectories and parsonages impropriate, in the same sort, quality, condition and degree, to all intents and purposes, as the same were in the person and possession of the said late Queen *Mary*, at and before the said eighth day of *August*; any thing or act done by the same late cardinal, or any grant or grants by letters patents made by the said late Queen *Mary*, of the said advowsons and patronages or any of them, to any ecclesiastical or spiritual person or persons, or any spiritual corporation, to the contrary in any wise notwithstanding :

A saving of
the right of
others.

XXVI. Saving to all and every person and persons, bodies politick and corporate, and their heirs, executors, successors and assigns and every of them, (other than such persons as be mentioned and named in any letters patents made by the said Queen *Mary* the said eighth day of *August*, or at any time thence, or claiming only by or under the authority and strength of the same act or letters patents or any of them) all such right, title, interest, estate, offices, leases, grants, annuities, pensions, fees, corodies, rents and other yearly profits and commodities, as they or any of them ought or should have had, perceived or enjoyed, of, in or by reason of any the parsonages, rectories or of any other the premises, in case the said former act now repealed, and this present act of repeal, had never been had ne made : any thing in the same acts or either of them contained or founding to the contrary thereof in any wise notwithstanding.

How Pensions
shall be paid.

XXVII. And be it further enacted by the authority aforesaid, That from and after the said feast of *St. Michael* the archangel last past, and so from thenceforth from time to time, the said pensions, annuities, rents, corodies, fees and other yearly payments, shall be paid and payable only by our said sovereign Lady, her heirs and successors, at the receipt of the exchequer, or in such other places, as the Queen's majesty, her heirs and successors shall appoint, to all and every person and persons that ought to have and enjoy the same, in such sort, order and form, as the same should or ought to have been paid and payable, in case the said act now repealed had never been had ne made ; any thing therein, or else in this act contained to the contrary thereof, in any wise notwithstanding.

They that
were in arrearages for rents,
&c. shall pay
the same to
the Queen.

XXVIII. And be it further enacted by authority aforesaid, That all and singular incumbents, proprietaries, tenants, farmers, lessees and occupiers of the premises or any part thereof, their heirs, executors and assigns, which the said first day of this present parliament were behind, or in any arrearages of and with the rents, farms, tenths or other revenues, profits or duties, by them or any of them due and payable, for or by reason of the premises or any of them, shall and may be by the authority of this act severally chargeable, accountable and answerable to the Queen's majesty, her heirs and successors, in and at the said court of the exchequer, of and for the same arrearages and duties as other accomptants be and shall be in the same court ; any thing in the said act now repealed, in this act, or any other

other matter or cause to the contrary thereof, in any wise notwithstanding.

2 & 3 Ph. & M. c. 4.

XXIX. And yet nevertheless the Queen's most excellent majesty, at the humble request of her said subjects, of her abundant grace and bountifulness, is pleased and contented that it be enacted by the authority aforesaid, That all and singular vicarages not exceeding the yearly value of ten pounds, after the rate and value upon the records and books of the rates and values for the first-fruits and tenths now remaining in the exchequer, or that shall hereafter come and remain in the same court; and also all and singular parsonages not exceeding the yearly value of ten marks, after the like rate and valuation, and the incumbents thereof and of every of them, their executors, administrators, successors and sureties and every of them, from the said feast of St. Michael the archangel last past, shall be free and clearly discharged and acquitted for ever against the Queen's majesty, her heirs and successors, of and from the said first-fruits; any thing in the said act of first-fruits and tenths, made in the said six and twentieth year of the reign of the said late King Henry the Eighth, or in this act of repeal, or any other act or acts before recited, to the contrary thereof in any wise notwithstanding.

Vicarages not exceeding x.li. shall pay no first-fruits.

Parsonages not exceeding ten marks shall pay no first-fruits.

26 H. 8. c. 3.

XXX. Provided always, and be it enacted by the authority aforesaid, That if any incumbent of any such promotion spiritual as is aforesaid, charged or chargeable to the payment of the said first-fruits, happen to live to the end of one half year next after the last avoidance of the same promotion spiritual, so as he hath received, or without fraud or covin might lawfully have received or enjoyed, the rents or profits of that half year, and before the end of the other half year then next following shall happen to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin, that then every such incumbent, his heirs, executors, administrators and sureties, shall be charged and chargeable but only with the fourth part of the first-fruits due to be paid for such his promotion, and with no more of the said first-fruits; any thing in this act contained, or any bond or writing to be made for the payment of the said first-fruits, or any other matter or cause to the contrary notwithstanding.

The charge of the incumbent which liveth half a year after the avoidance.

XXXI. And if shall happen any such incumbent to live by the space of one whole year next after the last avoidance of the same spiritual promotion, and after before the end of one half year then next following shall fortune to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin; that then every such incumbent, his heirs, executors, administrators and sureties shall be charged and chargeable but only with the moiety and one half of the first-fruits due to be paid for such his promotion spiritual, and with no more of the same first-fruits; any thing in this act contained, or any

His charge which liveth a whole year, &c.

bond or writing obligatory to be made for the payment of the same first-fruits, or any other matter or cause to the contrary notwithstanding.

The charge of him which liveth a year and a half, &c.

XXXII. And if it shall happen any such incumbent to live to the end of one whole year and an half next after the last avoidance of such promotion spiritual, and after and before the end of six months then next following shall fortune to die, or to be lawfully evicted, removed or put from the said promotion spiritual, by judgment in any action at the common law, without fraud or covin; that then every such incumbent, his heirs, executors, administrators and sureties, shall be charged and chargeable but only with three parts of the first-fruits of the same promotion spiritual, in four parts to be divided, and with no more; any thing in this act contained, or any bond or writing obligatory had or made for the payment of the said first-fruits, or any other matter or cause to the contrary notwithstanding.

The charge of him which liveth two whole years after, &c.

XXXIII. And if it shall happen any such incumbent to live to the end of two whole years next after the last avoidance of the same his promotion spiritual, and not to be lawfully evicted, removed, or put from the same promotion spiritual as is aforesaid, that then such incumbent, his heirs, executors, administrators and sureties, shall content and pay to our said sovereign lady the Queen, her heirs and successors, the whole first-fruits due to be paid for the same promotion spiritual, according to the estatute aforesaid.

Grants made to the universities or the colleges in them, and to Eaton and Winchester colleges.

XXXIV. Provided also, and be it enacted, That all grants, immunities and liberties given to the universities of *Cambridge* and *Oxford*, or to any college or hall in either of the said universities, and to the colleges of *Eaton* and *Winchester*, and unto every or any of them, by our late sovereign lord King *Henry* the Eighth, or any other of the Queen's highness progenitors or predecessors, or by act of parliament, for or touching the release or discharge of the said first-fruits and tenths, or any part thereof, shall be always and remain in their full strength and virtue: (2) And that all such lawful conveyances and assurances in the law as were had or made before the making of this act, to either of the said universities of *Oxford*. or *Cambridge*, or to any college or hall within any of them, by what name or names soever they or any of them be incorporated or named, of any of the said parsonages or benefices impropriate, or of any part of the same, or of any patronages, for the maintenance of students or learning, shall be as good and effectual in the law to all intents, constructions and purposes, as though this act had never been made.

The chapel of St. George in Windsor.

XXXV. And be it further enacted by the authority aforesaid, That the dean and canons of the free chapel of *St. George* the martyr, within the castle of *Windsor*, and all the possessions and hereditaments of the same free chapel, deanry and canons, by whatsoever name or names they be incorporated or known, shall be exonerated, and shall stand for ever discharged of the tenths and first-fruits before mentioned; any thing in this act,

or any other act or statute before mentioned, to the contrary, thereof in any wise notwithstanding.

XXXVI. Provided also, and be it enacted, That all leases made before the xx. day of *December* last past, for xxi. years, or three lives at the most, by any person or persons, bodies politic or corporate, being lawfully seized of or in any of the said parsonages impropriate, or of or in any other the premisses, wont commonly to be let or set to ferm, then being out of lease, or whereof there was not, at the time of the making of the said lease or leases, any former lease to endure above one year then to come at the most, and upon which new lease or leases the old yearly rent accustomedly wont to be paid for the same, by the space of twenty years last past before the making of such lease or leases, or more yearly rent is reserved and payable during the said term; and all other lawful grants by them or any of them heretofore made of any office or offices in old time wont commonly to be granted; and all gifts and grants of any parsonage or parsonages impropriate, heretofore belonging to the archdeaconry of *Wells* in the county of *Somerset*, or to the incumbent of the same office or dignity, or to the incumbent of the same lately given and restored, shall be as good and effectual in the law, as though this act, or any thing contained therein, had not been had or made.

Leases for years, or three lives.

Grants of offices wont to be granted.

XXXVII. And be it further enacted by the authority aforesaid, That the said archdeaconry, and all rectories and spiritual promotions given, assigned, limited or appointed to the same, and all and every incumbent and incumbents which hereafter shall be presented, collated, preferred and admitted unto the said archdeaconry, and the rectories and spiritual promotions thereunto limited and appointed, or appertaining and belonging, shall stand, remain, and be charged and chargeable with the payment of the first-fruits and tenths for the same to the Queen's highness, her heirs and successors, in such like manner and form as other spiritual promotions, and the incumbents of the same, be and shall be charged and chargeable by this act, or by any other act or statute before specified.

The archdeacon of Wells charged with payment of first-fruits.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, That so many of the said rectories, parsonages and benefices impropriate, glebe lands, tithes, oblations, pensions, portions, and other profits and emoluments ecclesiastical and spiritual, and every of them, and the reversion and reversions of them, and all rents and profits unto the same or any of them incident or belonging, as were at and before the said eighth day of *August* in the hands and possessions of the said late Queen *Mary*, and within the survey, rule and order of the court of the duchy of *Lancaster*, shall be again within the order, survey, rule and government of the said court, in such and the same manner and form to all intents and purposes, as they were at and before the said eighth day of *August* in the said second and third years of the reign of the said late King and Queen; any thing in this act, or in the said act of the same late King and

The benefices, &c. which were within the order of the duchy court shall so continue.

Queen, to the contrary thereof in any thing notwithstanding.

They which be presented to a benefice shall compound for their first-fruits before the feast of St. John Baptist.

XXXIX. Provided always, and be it further enacted by the authority of this parliament, That no person or persons presented, instituted or inducted, at any time sithence the first day of this present parliament, or that shall be presented, instituted or inducted, on this side of the feast of the nativity of Saint *John Baptist* next coming, to any the said spiritual or ecclesiastical promotions chargeable to or with the payment of the first-fruits, or one year's profits of such promotion, shall incur any penalty or forfeiture by entering into any of the said spiritual or ecclesiastical promotions, or by taking the profits thereof, for the non-payment or not compounding of or for the first-fruits thereof, so that he or any other for him, shall or do compound for the same first-fruits, according to the true meaning of the statute, before the said feast of the nativity of St. *John Baptist*; any thing in this act contained to the contrary notwithstanding.

The revenues of hospitals and schools.
2 Ann. c. 11.
5 Ann. c. 24.
6 Ann. c. 27.
1 Geo. 1. c. 10.
3 Geo. 1. c. 10.

XL. Provided also, That this act, nor any thing therein contained, shall not in any wise extend to charge any hospital founded and used, and the possessions thereof employed, to, and for the relief of poor people, or any school or schools, or the possessions or revenues of them or any of them, with the payment of any tenths or first-fruits; any thing in this act before mentioned to the contrary in any wise notwithstanding.

CAP. V.

If any person shall compass or imagine to deprive the Queen or the heirs of her body to be begotten, being King or Queen of this realm, from the stile or kingly name of the crown of this realm: Or to destroy the Queen or any the heirs of her body, being King or Queen: Or to levy war against the Queen, or any the heirs of her body within her dominions: Or to depole the Queen or any of the heirs of her body, &c. from the imperial crown of this realm, and the same imaginations shall utter by open words, &c. Or shall publish, and directly say, That the Queen, during her life is not, or ought not to be Queen: Or that after her death, the heirs of her body ought not to be King or Queen: Or that any other person ought to be King or Queen, so long as any of the heirs of her body shall be in life: Then such offender shall forfeit to the Queen all his goods and chattels, and the profits of his lands during his life. And if any person or persons shall by writing, printing, overt-deed or act, commit any of the offences aforesaid, it shall be adjudged high treason. EXP.

CAP. VI.

The penalty mentioned in the statute of 1 & 2 P. & M. c. 3. for speaking false slanderous news of the King or Queen, or for committing any of the offences expressed in the said act, shall be expounded to extend to the Queen that now is, and to the heirs of her body. EXP.

CAP. VII.

A reviver of the statute of 13 H. 8. c. 16. making it felony to sell, exchange or deliver within Scotland, or to the use of any Scottishman, any horse. Repealed by 4 Jac. 1. c. 1.

CAP. VIII.

A reviver of the statute of 5 & 6 Ed. 6. c. 15. limiting what persons (and for

for what purposes) may buy and ingross tanned leather, and sell the same again, and who not. And a repeal of the statute of 1 M. sess. 3. c. 8. touching curriers, shoemakers, &c. The currier shall deliver to the shoemaker the leather curried which he received, within five days in summer, and ten days in winter, if he may conveniently do it. No shoe-maker shall make any shoes or boots of any neat-leather mingled, but only of itself. REP. 5 Eliz. c. 8. and 1 Jac. 1. c. 22.

CAP. IX.

No person having ten pounds land or rent shall use or have profit by the mystery of tanning of leather, but an apprentice or covenant-servant brought up in that trade four years: Neither shall any use that trade, but in a city, borough, town corporate or market-town where sellers shall be usually appointed, unless he hath been an apprentice, or a covenant-servant four years, or the son and heir, or wife of a tanner. Raw hides, calves skins, tanned leather red and unwrought, shall not be bought or sold but in open fair or market. Two pieces called Wombs shall be cut off of every hide to be converted to sole-leather, commonly called Backs: Both the backs and womb shall be brought to fairs and markets to be sold. Searchers and sealers of leather shall register all bargains for leather made in fairs or markets. The statute of 2 & 3 Ed. 6. c. 11. revived. REP. 5 Eliz. c. 8. and 1 Jac. 1. c. 22.

CAP. X.

It shall be felony to convey, or procure to be conveyed, into any ship or other vessel, any leather tanned or untanned, or any salt or untanned hides, or any backs of sole-leather, or any tallow, to the intent to transport the same over the sea, to be sold by way of merchandize. REP. 18 Eliz. c. 9.

CAP. XI.

An act limiting the time for laying on land merchandizes from beyond the seas, and touching customs for sweet wines.

MOST humbly shewing beseechen your Highness, your lords and commons in this present parliament assembled, That where the sums of money paid in the name of customs and subsidies of wares and merchandizes, transported out, and brought into this your Highness realm of England, by any merchant stranger or denizen, is an ancient revenue annexed and united to your imperial crown; (2) and hath in the time of King Edward the Third, and other your most noble progenitors, amounted to great and notable sums of money, till of late years many greedy and covetous persons, respecting more their private gain and commodity, than their duty and allegiance, or the common profit of the realm, have and do daily, as well by conveying the same their wares or merchandizes out of creeks and places where no customer is resident, as also by or through the negligence or corruption of the customer, searcher or other officer, where they be resident, as by divers other fraudulent, undue and subtil practices and devices, convey their goods and merchandizes as well brought from the parts beyond the sea, as transported out of this your realm of England, without payment or agreeing for the payment of the customs and subsidies therefore due; (3) whereby the yearly revenue aforesaid is very much impaired and diminished, to the great loss and damage of your Highness, and to the great burden and charge of your loving subjects, who by occasion thereof have of late years been more charged with subsidies and payment for

Several causes of the diminishing of the Queen's customs.

the

No goods shall be laden or discharged but in the daylight and in open place.

the supplement of the said loss and damage, than else we should have been:
 II. That it may therefore be enacted by the authority of this present parliament, That it shall not be lawful to or for any person or persons whatsoever, from and after the first day of *September* next coming to lade or put, or cause to be laden or put off or from any wharf, key or other place on the land, into any ship, vessel, crayer, lighter or bottom, any goods, wares or merchandizes whatsoever (fish taken by your Highness subjects only excepted) to be transported into any place of the parts beyond the seas, or into the realm of *Scotland*; (2) or to take up, discharge and lay on land, or cause or procure to be taken up or discharged out of any lighter, ship, crayer, vessel or bottom, being not in a leke or wreck, and laid on land, any goods, wares or merchandizes whatsoever (fish taken by any of your Highness subjects, and salt only excepted) to be brought from any the parts beyond the sea, or the realm of *Scotland*, by way of merchandizes, (3) but only in the day-light; that is to say, from the first of *March* until the last of *September*, betwixt sun-rising and sun-setting; and from the last of *September* until the first of *March*, between the hours of seven in the morning and four at the afternoon; (4) and in and upon some such open place, key or wharf, places, keys or wharfs, as your Highness, your heirs or successors, shall on this side the said first day of *September* therefore assign and appoint by virtue of your Highness commission or commissions, within your Grace's ports of *London*, *Southampton*, *Bristol*, *Westchester*, *Newcastle*, and the suburbs of the same, and every of them; (5) and in some open place, key or wharf, places, keys or wharfs, in all other ports, creeks, havens or roads (*Hull* only excepted) where a customer, comptroller and searcher of such ports, havens, creeks or roads, and every of them or the servants of any of them, have by the space of ten years last past been accustomed resident, or hereafter shall be resident; (6) upon pain of forfeiture of all such goods, wares or merchandizes so laden or discharged contrary to the true meaning of this act, or the value thereof.

Farther provisions relating hereto.
 13 & 14 Car. I.
 c. 11. f. 14.

At what times and places only the master of a ship shall receive or discharge his loading.

III. And be it further enacted by the authority aforesaid, That no manner of person or persons after the said day shall receive or take into any ship, crayer or other vessel, any goods, wares or merchandizes (except before excepted) to be transported into any place beyond the sea, or into the realm of *Scotland*, by way of merchandize; (2) nor shall discharge and lay on land out of any ship, crayer or other vessel, any goods, wares or merchandizes (except before excepted) being brought from any place beyond the sea, or out of the realm of *Scotland*, by way of merchandize, in any other place or places, or at any other hours or times than is before limited and appointed; (3) upon pain that the owner and owners, master and masters, or other person or persons which shall take charge or guiding of any such ship, crayer or vessel, or of the merchandize and goods, during and for that voyage, shall forfeit and lose for every such offence c. li. of lawful money of *England*.

IV. And

IV. And be it further enacted by the authority aforesaid, That no master, shipper or purser, or other person or persons taking charge of the voyage, or of the merchants goods, shall after the said day receive or take into any ship, crayer or other vessel, any goods, wares or merchandise (except before excepted) to be carried or transported into any of the parts beyond the sea, or into the realm of *Scotland*, before he shall have signified to the customer of the port where he ladeth, and other officers there, in the open custom-house, if any such be there, or else where the said officers, their deputies or servants, or any of them, be or shall be usually resident, that he intendeth to lade, and to what place he intendeth to pass; (2) nor shall after his or their full lading depart out of the port, creek, or stream; where he shall so lade, before he do in like manner signify unto the customer and other officers, as is aforesaid, of his lading, and what merchants and other persons shall have lading with him, or in his ship, crayer, vessel or bottom, and further truly to answer to such questions as shall be ministred to him or them by the customer or other officer, concerning such wares or merchandises as he shall have laden, being examined upon his or their oath, or otherwise, in the open custom house or otherwise, as is aforesaid, upon pain to forfeit, for every such default not truly advertizing nor answering, as is aforesaid, c. li.

A master of a ship shall give notice to the customer of his departure.

V. And be it further enacted by the authority aforesaid, That no owner, master, purser or other person taking charge of any ship, crayer, vessel or bottom, wherein any goods wares or merchandises (except before excepted) shall be laden and brought from any the parts beyond the sea, or the realm of *Scotland*, shall after the said day discharge into any lighter or bottom, and lay on land, or procure, cause or willingly suffer to be discharged into any lighter or bottom, and to be laid on land out of such ship, crayer, vessel or bottom, any goods, wares or merchandize whatsoever, before such owner, master, purser or other person or persons taking charge of the ship, crayer, bottom or vessel, or the merchants goods for that voyage, shall have signified and declared to the customer or other officer of the port, haven or creek, where he arriveth, the names of every of the merchants or laders, and shall have truly answered to such questions and interrogatories touching or concerning such goods, wares or merchandizes, as shall be then laden in any such ship, vessel or bottom, as shall be to him ministred by such customer or other officer, openly in the custom-house, or in such other places as is aforesaid, upon his or their oath, if need so require; (2) upon pain that every such master, purser or other person or persons taking charge of such ship, crayer or other vessel for that voyage, shall forfeit and lose for every such default not truly advertizing nor answering, as is aforesaid, c. li.

No master of a ship shall discharge the same before he hath certified the custom.

VI. And be it further enacted by the authority aforesaid, That from and after the said day, no person denizen ne stranger, do take upon him to enter, or do or cause to be entered into

No man shall enter goods in the customer's book but in the

the

the owner's
name.
3 H. 7. c. 7.
1 H. 8. c. 5.
2 & 3 Ed. 6.
c. 22.

the books of any customer, or any other officer and officers, of any port or haven within this realm, or his or their deputy or deputies, servant or servants, any manner of goods, wares or merchandize whatsoever, coming or brought into your Highness realm, from any the parts beyond the sea, or from the realm of *Scotland*, or going or to be transported out of the same your Highness realm, into any the parts beyond the sea, or into the realm of *Scotland*, in the name or names of any other person or persons, than the very true owner or owners of the same goods, wares or merchandises, being not sold, bargained or contracted for, to or with any other person or persons, before such entry, or before the arrival of such goods, wares or merchandize in the parts beyond the sea, upon pain of forfeiture of the value of the goods so entered.

The penalty
of an officer
of the custom-
house conceal-
ing an offence.
3 H. 6. c. 3.

VII. And be it further enacted by the authority aforesaid, That if any wharfenger, crane-keeper, searcher, lighterman, weigher or other officer, pertaining to the subsidy, custom or custom-house, do at any time after the said day consent or know any offence or thing to be committed or done contrary to the true meaning of this act, or any article therein contained, and do not within one month next after knowledge thereof had, disclose the same to the chief customer or other officer of the port where or within whose office or charge any such offence shall be committed or done, or else to the lord treasurer, chancellor, under-treasurer or one of the barons of the exchequer, or the attorney general for the time being, shall, for every such concealment, or not disclosing such offence, as is aforesaid, forfeit and lose c. li. of good and lawful money of *England*.

Where a cu-
stomer shall
have a de-
puty in ano-
ther place.
1 H. 4. c. 13.
4 H. 4. c. 20.
33 H. 4. c. 5.

VIII. And be it further enacted by the authority aforesaid, That the customer of *Hull* shall have a servant or deputy continually resident at the city of *York*; (2) and every other customer, comptroller and searcher of every port, shall from and after the day aforesaid, assign and appoint to and in every of the places above mentioned, and in all and every port, creek or road, where the servant, or any of them, have been continually resident by the space of ten years, or hereafter shall be, as is aforesaid, one able and sufficient deputy or servant at least; (3) and that as well all and every of the customers, comptrollers and searchers, as all and every his or their deputy or deputies, servant and servants, shall from time to time do his and their diligent attendance at the hours, times and places afore appointed, as well in the custom-house, as elsewhere, as it shall be most expedient and convenient for the speedy dispatch of the merchant, and his goods, wares and merchandize, and for the due execution of this act, in such things as to him or them shall appertain, without concealment or consenting to any thing or things which may be to the hurt or damage of your Highness, your heirs or successors, in the just answering of your Highness due customs and subsidies; (4) upon pain that every such customer, comptroller and searcher shall forfeit

feit and lose for every offence by him or them committed or done, his or their severall office or offices, an cli. of lawful money of *England*; the one moiety of all which forfeiture shall be to your Highness, your heirs and successors, and the other moiety to him or them that will sue for the same in any your Highness courts, wherein no essoin, protection, wager of law or injunction, shall be admitted and allowed.

IX. *And where of late years there hath been much greater quantity of sweet wines brought into this realm than in time past hath been accustomed, which have been also brought from the same place where the wine commonly called malmsey is brought, and is of the same nature of grape; and nevertbeles, either by negligence, ignorance or corruption of the officers, there hath not been such custom and subsidy received for the same, to the use of your Highness and your progenitors, as is due, and ought of very right to be paid, for such sweet wines coming through the Straights, commonly called the Straights of Marrock, otherwise Mallegay, to the great loss and hindrance of your Highness, and the burthen of us your loving subjects:*

X. For the avoiding of all ambiguities and doubts, and to the intent the officers may more certainly know what they ought to receive for such kind and nature of merchandize, be it enacted and declared by this present act, and by the authority aforesaid, That like custom and subsidy is of very right to be paid, and shall from henceforth be paid, for such sweet wines as is aforesaid, as is and hath been accustomed to be paid for malmseys; any negligence, non-payment, usage or custom to the contrary in any wise notwithstanding: (2) saving to all and every lord-marcher, and other person or persons whatsoever, body politick and corporate, all and every such right, title and interest, as they or any of them have, and of right ought to have, in the payment or having of any franchise, liberty, custom and subsidy, or any of them; any thing in this act to the contrary notwithstanding.

Such custom shall be paid for sweet wines as was wont to be paid for malmseys.

XI. Provided always, and be it enacted, That it shall be lawful to ship, lade and transport into the ports beyond the sea, all manner of corn and grain out of the counties of *Norfolk* and *Suffolk*, and either of them, at such places as heretofore hath been accustomed, and between the hours in this act appointed, when the same corn and grain shall not exceed the several prices mentioned in the statute made in the fifth and sixth year of our late sovereign lord King *Edward* the Sixth, intituled, *An act against regrators, forestallers and engrossers*, the customs and subsidies therefore due being well and truly paid; any thing in this act or any other act or statute to the contrary notwithstanding. 22 Car. 2. c. 13. 1 W. & M. stat. 1. c. 12.

When corn may be transported out of *Norfolk* and *Suffolk*.

5 & 6 Ed. 6. c. 14.

XII. Provided always, That this act, nor any thing therein contained, be not prejudicial or hurtful to the isle of *Anglesey*, the shires of *Caernarvan* and *Flint* in *North-Wales*; but that the inhabitants thereof, and every of them, may receive, lade and discharge, according to their old ancient uses, customs or liberties granted to them or any of their predecessors, by the late

A proviso for the inhabitants of *Anglesey*, *Flint* and *Caernarvan*.

King

King of famous memory, King *Henry* the Eighth, or any other his progenitors: so that they and every of them pay the customs and subsidies that shall be due, and discharge and load within the times and hours before-mentioned; any thing in this present act to the contrary notwithstanding. 31 *El. c. 5. 12 Car. 2. c. 4.*

C A P. XII.

An act against the deceitful using of linen cloth.

The inconveniencies ensuing the deceitful using of linen cloth.

WHERE certain evil-disposed and deceitful persons, using to buy and ingross into their hands great store of linen cloth, do use to cast the pieces of cloth over a beam or piece of timber made for their purpose, and do by sundry devices rack, stretch and draw the same both of length and breadth; and that done, do then with battledoors, pieces of timber and wood, and other things, sore beat the same, ever casting thereupon certain deceitful liquors mingled with chalk and other like things, whereby the said cloth is not only made to seem much finer and thicker to the eye than it is indeed, but also the threads thereof be so loosened and made weak, that after three or four washings it will scarcely hold together, to the great deceit, hindrance and loss of the subjects of this realm: (2) be it therefore enacted by the authority of this present parliament, That if any person or persons, shall hereafter willingly use or cause to be used the aforesaid deceits, or any other act or acts, mean or means, to, in or with any kind of linen cloth, whereby the same shall be deceitful or worse to and for the good use thereof; that then the said cloth shall be forfeited, and the offender therein to be punished by one month's imprisonment at the least, and shall pay such fine as shall be assessed, for his or their offence or offences, by the justices before whom he or they shall be condemned, according to the tenor of this act.

The penalty for stretching or impairing of linen cloth.

What justices may hear and determine the offences aforesaid.

II. And be it further enacted by the authority aforesaid, That all and every the justices of *oyer and determiner*, and justices of assizes in all their sessions, and all justices of peace in every county and place of this realm, or three of them at the least, whereof one to be of the *quorum*, shall have full power and authority to enquire, hear and determine the offences aforesaid in their sessions, by information, indictment, or upon the traverse of any presentment or indictment found before the said justices or any of them.

In what sort he that seizeth an offender's cloth shall pursue his suit against him.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall at the next sessions of the peace after the said seizure (to be kept within the shire or place where the seizure was made, or before two justices of peace, whereof one to be of the *quorum*) make due information of the offence and of the seizure of the said cloth; (2) or else shall procure the offenders to be thereof indicted at the said next sessions after the said seizure; (3) and shall also be bound before the said justices, by recognizance or obligation, to the use of the Queen's majesty, her heirs and successors, in such form as the said justices or any of them shall think meet for the greatness of the matter, and to pursue the same matter with effect, and to give evidence as of right appertaineth, and also to pay and give

give the moiety of all that he or they shall so recover and receive to the sheriff or other accomptant, to the use of the Queen's majesty, her heirs and successors; (4) and the one half of all the forfeitures and fines of and for the premises to be unto the Queen's majesty, her heirs and successors, and the other moiety to him or them that shall make information, or procure indictments of and for the premises, and shall follow the same with effect.

IV. And further, be it ordained and enacted by the authority aforesaid, That the justices before whom any such offence shall be tried, shall certify the same by their estreat into the exchequer, at the least yearly at *Michaelmas*, as they be bound to do other their estreats; and upon that certificate, the barons of the exchequer to have full power and authority to make process for so much thereof as by this estatute shall appertain to the Queen's majesty, in like manner and form as they only do for any other fines and amerçiements so certified before them.

Certificate of the estreat into the exchequer.

C A P. XIII.

An act for shipping in English bottoms. The statute of 5 R. 2. stat. 1. c. 3. & 4. H. 7. c. 10. prohibiting the bringing in, or carrying out of merchandizes but in English ships, repealed. The penalty where any merchandize shall be shipped or discharged, but in English ships. There shall be no crossing of the sea with any hoy or plate of an English subject's Hoys, &c. may cross the seas as far as Caen in Normandy, &c. In what case merchants may use strangers ships. To continue five years, and from thence to the end of the next parliament. In what case merchants of Bristol may use strangers ships.

EXP.
6 R. 2. c. 8.
5 & 6 Ed. 6. 7.
c. 18.
14 R. 2. c. 6.
13 El. 15.
5 El. c. 5. f. 9.

C A P. XIV.

An act for the continuing the making of woollen clothes in divers towns in the county of Essex.

WHEREAS by a certain act of parliament begun at Westminster the twentieth day of January in the fourth and fifth years of the reigns of the late King Philip and Queen Mary, and there continued till the seventh day of March in the said fourth and fifth years of the reigns of the said late King and Queen, amongst other things it was enacted, That from and after the first day of May then next following, no person or persons whatsoever shall use or exercise the feat or mystery of making weaving or rowing of woollen clothes, long or short, or kersies, pinned whites, or plain streights, to the intent to put the same to sale, but only in a market-town where cloth hath continually been used to be made by the space of ten years then last past, or in a city, borough or town corporate, upon pain of forfeiture for every such woollen cloth or kersie made, woven or rowed out of such city, borough, town corporate or market-town, five pounds:

What persons of Bocking, Westbarfold, Cockshall and Dedham, may use the making of cloth or kersie, as they might have done before the statute of 4 & 5 Ph. & M. c. 5. By the statute 4 & 5 Ph. & M. c. 5. no cloth shall be made to sell but in a market-town, &c.

II. And where also it is provided in the said act, That it shall be lawful to any person then using or exercising the feat or mystery of making, weaving or rowing of cloth or kersie, to inhabit or dwell where he then did dwell, and there to use the making, weaving or rowing of cloth or kersie as he hath heretofore; any thing in the said act notwithstanding.

III. And where it is further provided by the said act, That it shall be lawful to all and every person or persons which then did, or after that

The inhabitants of what places may

make cloth
out of a mar-
ket-town.

that time should inhabit or dwell in any of the shires of North Wales or South Wales, Cheshire or Lancashire, Westmorland, Cumberland, Northumberland, bishoprick of Durham, Cornwall, Suffolk, Kent, the town of Goddelmine in the county of Surrey, or Yorkshire, being not within twelve miles of the city of York, or in any of the towns or villages near adjoining to the water of Strowd in the county of Gloucester, where clothes have been usually made by the space of twenty years then last past, and having been an apprentice to the occupation of cloth-making, or used the same by the space of seven years, to set up, use and exercise the feat or mystery of making, weaving or rowing of woollen cloth, out of a city, borough or market-town, as before that time they might have done; any thing in the said act to the contrary notwithstanding.

IV. *And forasmuch as the towns or villages of Bocking, Westbarfold, Dedham and Cockshall in the county of Essex, be fair large towns, and as well planted for cloth-making as the said town of Goddelmine or better, and few towns in this realm better planted for that purpose, and have been inhabited of a long time with cloth-makers, which have made and daily do make good and true cloth, to the great commonweal of the country there, and nothing prejudicial to, or for the commonwealth of this realm: (2) Be it therefore ordained and enacted by the authority of this present parliament, That it shall be lawful to all and every such person and persons which now do inhabit or dwell, or hereafter shall dwell, in the said towns or villages of Bocking, Westbarfold, Cockshall and Dedham, or in any of them, now using or exercising, or that hereafter shall use or exercise the feat or mystery of making, weaving or rowing of cloth or kerse, by the space of seven years at the least or have been prentice thereto by the said space of seven years, to inhabit and dwell in the said towns and villages of Bocking, Westbarfold, Cockshall and Dedham, and in every or any of them, and to use the making, weaving or rowing of cloth or kerse, as before this time they might have done if the said act had never been made; any thing in the said act to the contrary thereof made, or any other act, statute or law heretofore made, or hereafter to be made to the contrary hereof in any wise notwithstanding. 27 El. c. 23.*

C A P. XV.

An act that timber shall not be felled to make coals for burning of iron.

What timber-trees, and growing in what places, shall not be converted to fuel for the making of iron.

FOR the avoiding of destruction and wasting of timber, be it enacted by our sovereign lady the Queen's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no person or persons hereafter shall convert or employ, or cause to be converted or employed to coal or other fuel for the making of iron, any timber-tree or timber-trees of oak, beech or ash, or of any part thereof, of the breadth of one foot square at the stub, and growing within fourteen miles of the sea, or of any part of the rivers of Thames, Severn, Wye, Humber, Dee, Tine, Teese, Trent or any other river, creek or stream, by the which carriage

carriage is commonly used by boat or other vessel to any part of the sea; (2) upon pain of forfeiture for every such tree, or any part thereof, so employed or converted to coal or other fuel for the making of iron as is aforesaid, forty shilling of lawful money of England; the one half of all which forfeitures to be to our sovereign lady the Queen's majesty, and to her heirs and successors, and the other moiety to him or them that will sue for the same by original writ, bill, plaint or information, wherein no essoin, protection, injunction or wager of law shall be admitted or allowed.

No wood, &c. to be converted to coal, &c. within 22 miles of London, &c. 23 El. c. 5.

II. Provided always, That this act shall not extend to the county of *Sussex* nor to the weild of *Kent*, nor to any the parishes of *Charlewood*, *Newdigate* and *Ligh* in the weild of the county of *Surrey*. (2) This act to begin and take effect from and after the feast of the nativity of *St. John Baptist* next coming after this session of parliament. 27 El. c. 19.

To what shires or places this statute shall not extend.

CAP. XVI.

The statute made anno 1 Mar. sess. 2. c. 12. against unlawful and rebellious assemblies, shall be continued during the Queen's life, and until the end of the parliament then next following. EXP.

CAP. XVII.

An act for preservation of spawn and fry of fish.

FOR the preservation hereafter of spawn, fry and young breed of eels, salmons, pikes, and of all other fish which heretofore hath been much destroyed in rivers and streams salt and fresh within this realm, insomuch that in divers places they feed swine and dogs with the fry and spawn of fish, and otherwise, lamentable and horrible to be reported, destroy the same, to the great hindrance and decay of the commonwealth: (2) Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no person or persons of what estate, degree or condition soever he or they be, from and after the first day of *June* next coming, with any manner of net, weele, but, taining, kepper, lime, crele, raw, fagnet, trolnet, trimenet, trimboat, stalboat, weblister, seur, lammet, or with any device or engine made of hair, wool, line or canvas; (3) or shall use any heling-net or trimboat, or by any other device, engine, cawtel, ways or means whatsoever heretofore made or devised, or hereafter to be made or devised, shall take and kill any young brood, spawn or fry of eels, salmon, pike or pikerel, or of any other fish, in any flood gate pipe, at the tail of any mill, wear, or in any straits, streams, brooks, rivers fresh or salt within this realm of *England*, *Wales*, *Berwick*, or the marches thereof; (4) None shall take any salmons or trouts not in season.

shillings to the lord of the said leet, the same to be levied in manner and form as is above said for the other offences limited and expressed.

Who may punish the said offences if they be not presented in the leet.

XI. And it is further enacted by authority aforesaid, That if the offences above-mentioned touching the taking, killing or destroying of fish, or fry and spawn, be not presented at the leet where they shall be committed, within one year next after the offence committed, that the justices of peace in their sessions, justices of *oyer* and *determiner*, and justices of assize in their several circuits, shall have full power and authority to enquire thereof, and to hear and determine all the offences committed contrary to the tenor of this estatute.

A saving of the liberties of all persons having right to enquire of and punish the said offences.

XII. Saving always to all and every person or persons, bodies politick and corporate, and every of them, all such right, title, interest, claim, privilege and conservation, and enquiry, and punishment of and for any the offences aforesaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy, by any manner of means; any thing in this act to the contrary notwithstanding. (2) This act to endure to the end of the next parliament.

To what persons or waters this statute doth not extend.

XIII. Provided always, That this act, nor any thing therein contained, shall not extend unto the fishing of the river or water of *Tweed*; (2) nor to any river or water whereof the Queen's majesty is answered of any yearly rent or profit; (3) nor to the owners, farmers and occupiers of the rivers of *Ufke* or *Wye* in the county of *Monmouth*; (4) for any fish hereafter to be taken in any the rivers or waters before-mentioned and expressed; (5) but that it shall be lawful at all seasonable time and times hereafter, for such as have or shall have any manner of interest therein, to take and fish the said rivers and waters, in such manner and form as heretofore hath been used and accustomed, not using any net or engine, to the intent willingly to take, kill and destroy the spawn, breed or fry, breeding any kind of fish within the said several rivers or waters; this act, or any thing therein mentioned or contained to the contrary notwithstanding. *Made perpetual, except as to this last section, by 3 Car. 1. c. 4.*

CAP. XVIII.

The statutes made anno 22 Hen. 8. c. 7. Anno 23 H. 8. c. 3. & 17. Anno 24 H. 8. c. 9. Anno 28 H. 8. c. 6, 8, 9. Anno 31 H. 8. c. 7. Anno 35 H. 8. c. 17. Anno 37 H. 8. c. 23. Anno 2 & 3 Ed. 6. c. 9. Anno 3 & 4 Ed. 6. c. 19 & 21. Anno 5 & 6 Ed. 6. c. 14. Anno 7 Ed. 6. c. 11. Anno 1 Mar. sess. 2. c. 12, 13. Anno 1 & 2 Phil. & Mar. c. 16. Anno 2 & 3 Phil. & Mar. c. 2, 3 & 5. shall be revived, and made to continue until the end of the next parliament. EXP.

C A P. XIX.

An act giving authority to the Queen's majesty, upon the avoidance of any archbishoprick or bishoprick, to take into her hands certain of the temporal possessions thereof, recompensing the same with parsonages impropriate and tenths.

THE lords spiritual and temporal and the commons in this present parliament assembled, perceiving how necessary it is for the imperial crown of this realm to be repaired with the restitution of revenues meet for the same, and having assented and fully accorded to restore to the same imperial crown the first-fruits and tenths of parsonages impropriate, for the increase of the revenue thereof, be also desirous to devise some good means, whereby the said revenue of tenths and impropriate benefices might be in the governance and disposition of the clergy of this realm, being most apt for the same, in such sort as yet thereby the said imperial crown should not be in any wise diminished in the said restored revenue.

II. And therefore beseech your Majesty, That it may be enacted by the authority of this present parliament, in manner and form hereafter following; that is to say, upon the vacation and avoidance of every archbishoprick or bishoprick within this your realm of *England* and *Wales*, and other your Highness dominions, it shall and may be lawful for your Highness, to elect and choose, and to take into your hands and real possession, as much and so many of any the honours, castles, manors, lands, tenements or other hereditaments, being parcel of the possessions of any such archbishoprick or bishoprick so being void, as the clear yearly value of all your Majesty's parsonages appropriate and yearly tenths within every such archbishoprick or bishoprick shall yearly amount and extend unto; and for the tryal of every value of such honours, castles, manors, lands tenements and hereditaments, it shall and may be lawful for your Highness from time to time, to direct your letters of commission under your Highness great seal of *England*, into every such archbishoprick or bishoprick, so being void, to such persons as your Majesty shall think meet and convenient, giving them authority thereby to survey such honours, castles, manors, lands, tenements and hereditaments, parcel of the possessions of the same archbishoprick or bishoprick so being void, as to your Majesty shall be thought meet and convenient to be taken into your Highness hands and possession; and thereupon to certify the very clear yearly value thereof, over all charges and reprises, into your Highness court of exchequer, at such day and time as by the said commission shall be limited and appointed; and after such certificate into the said court of exchequer of the clear yearly value of such honours, castles, manors, lands, tenements and hereditaments, so had and made, it shall and may be lawful for your Highness, by your letters patents, to give and assure unto such archbishop and bishop, and his successors, as

Leases and other assurance of bishops lands. 5 Co. 2. Cro. Jac. 112. 1 Jac. 1. c. 3.

The ueen empowered to take into her hands, on the avoidance of any bishoprick, so much of the possessions as shall be of the value of all the Queen's parsonages appropriate, &c. within the bishoprick, assuring the parsonages, &c. to the promoted bishop.

shall be preferred and consecrated archbishop or bishop of such archbishoprick or bishoprick so being void, so much and so many of your yearly tenths, tithes and parsonages appropriated, being within the same archbishoprick or bishoprick, as shall be of as much, or of more yearly value, as the said honours, castles, manors, lands, tenements or hereditaments, so certified into your said court of exchequer, be certified unto; and that immediately upon such gift and grant made by your Highness, and the same by your Majesty under your signet or sign manual signified unto your treasurer and barons of your said court of exchequer, together with your pleasure for the retaining and keeping of the said honours, castles, manors, lands, tenements or other hereditaments so certified unto your said court of exchequer, in lieu and place of the said tenths, tithes and parsonages appropriate, the same and such honours, castles, manors, lands, tenements and other hereditaments, as so shall then be certified into your said court of exchequer, shall be adjudged, vested and deemed, by authority of this present parliament, actually and really in your Highness, your heirs and successors, and be from thenceforth united and annexed to the imperial crown of this your realm for ever, and from thenceforth shall be in the order, survey, rule and governance of your said court of exchequer, in such like manner and form, as other your Highness possessions and hereditaments be at this present.

III. Provided always, and be it enacted by the authority aforesaid, that this act, or any thing herein contained, shall not extend to give any liberty or authority to your Highness, to take from any such archbishoprick or bishoprick any of the mansion-houses, commonly used for the habitation or dwelling of any such archbishop or bishop, or any the demean lands commonly used or occupied with any such mansion or dwelling house or houses or any of them, or to take any other lands or tenements commonly used and kept in the manurance, tillage or manual occupation of any archbishop or bishop, for the maintenance of hospitality and good housekeeping; any thing in this act contained to the contrary notwithstanding.

IV. Saving to all and every person and persons, bodies politic and corporate, their heirs and successors, and to the heirs and successors of every of them, other than the said archbishops and bishops and their successors, all such estate, right, title, term, interest, rent, profit, offices or commodities, as they or any of them have, should, might or ought to have had, in or to any honours, castles, manors, lands, tenements or other hereditaments whatsoever, in such like manner, form and condition, to all intents and purposes, as if this act had never been had nor made; any thing herein contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That all gifts, grants, feoffments, fines or other conveyance or estates, from the first day of this present parliament, to be had, made, done or suffered by any archbishop or bishop, of any honours,

Conveyances
by bishops,
&c. other
than, &c.
made void.

honours, castles, manors, lands, tenements or other hereditaments, being parcel of the possessions of his archbishoprick or bishoprick, or united, appertaining or belonging to any the same archbishopricks or bishopricks, to any person or persons, bodies politick or corporate, other than to the Queen's highness, her heirs or successors, whereby any estate or estates should or may pass from the same archbishops or bishops or any of them, other than for the term of xxi. years or three lives, from such time as any such lease, grant or assurance shall begin, and whereupon the old accustomed yearly rent or more, shall be reserved and payable yearly during the said term of xxi. years or three lives, shall be utterly void and of none effect, to all intents, constructions and purposes; any law, custom or usage to the contrary in any wise notwithstanding,

1 Inst. 44. 2.
Moor. 107.
253.

CAP. XX.

A subsidy of tonnage and poundage, granted to the Queen during her life, payable out of divers merchandises. EXP.

CAP. XXI.

An act of a subsidie and two fifteens and tenths, by the temporallie.

EXP.

This act is not on the roll.

This statute is placed as cap. 20 in Rapshal, the former being there omitted.

CAP. XXII.

An act giving authority to the Queen during her life to make ordinances in collegiate churches and schools.

Anno quinto Regniæ ELIZABETHÆ.

AT the parliament holden at Westminster the twelfth day of January in the fifth year of our sovereign Lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. to the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP. I.

An act for the assurance of the Queen's royal power over all estates and subjects within her dominions.

FOR preservation of the Queen's most excellent highness, her heirs and successors, and the dignity of the imperial crown of this realm of England, and for avoiding both of such hurts, perils, dishonours and inconveniencies, as have before-time befallen, as well to the Queen's majesty's noble progenitors, Kings of this realm, as for the whole estate thereof; by means of the jurisdiction and power of the see of Rome, unjustly claimed and usurped within this realm and the dominions thereof, and also of the dangers by the fautors of the said usurped power,

power, at this time grown to marvellous outrage and licentious boldness, and now requiring more sharp restraint and correction of laws, than hitherto in the time of the Queen's majesty's most mild and merciful reign have been had, used or established:

II. Be it therefore enacted, ordained and established by the Queen our sovereign lady, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That if any person and persons, dwelling, inhabiting, or residing within this realm, or within any other the Queen's dominions, seigniories, or countries, or in the marches of the same, or elsewhere within or under her obedience and power, of what estate, dignity, preheminance, order, degree or condition, soever he or they be, after the first day of April which be in the year of our Lord God one thousand five hundred sixty-three, shall by writing, cyphering, printing, preaching or teaching, deed or act, advisedly and wittingly hold or stand with, to extol, set forth, maintain or defend the authority, jurisdiction or power of the bishop of Rome, or of his see, heretofore claimed, used or usurped within this realm, or in any dominion or country, being of, within or under the Queen's power or obedience; (2) or by any speech, open deed or act, advisedly and wittingly attribute any such manner of jurisdiction, authority or preheminance to the said see of Rome, or to any bishop of the same see for the time being, within this realm, or in any the Queen's dominions or countries:

The penalty for maintaining the authority of the bishop of Rome.
28 H. 8. c. 10.
13 El. c. 2,

(3) that then every such person or persons so doing or offending, their abettors, procurers and counsellors, and also their aiders, assistants and comforters, upon purpose, and to the intent to set forth, further and extol the said usurped power, authority or jurisdiction of any of the said bishop or bishops of Rome and every of them, being thereof lawfully indicted or presented within one year next after any such offences by him or them committed, and being lawfully convicted or attainted at any time after, according to the laws of this realm, for every such default and offence, shall incur into the dangers, penalties, pains and forfeitures ordained and provided by the statute of provision and *Præmunire*, made in the sixteenth year of the reign of King Richard the Second.

16 R. 2. c. 5.

What justices may enquire of, and certify the offences aforesaid.

III. And it is also enacted by the authority aforesaid, That as well justices of assize in their circuits, as justices of peace within the limits of their commission and authorities, or two of every such justices of peace at the least, whereof one to be of the *quorum*, shall have full power and authority by virtue of this act, in their quarter or open sessions, to enquire of all offences, contempts and transgressions, perpetrated, committed or done contrary to the true meaning of the premises, in like manner and form as they may of other offences against the Queen's peace; (2) and shall certify every presentment afore them or any of them had or made concerning the same, or any part thereof, before the Queen, her heirs and successors, in her or their court, commonly called the King's bench, within forty days

days next after any such presentment had or made, if the term be then open; and if not, at the first day of the full term next following the said forty days; (3) upon pain that every of the justices of assize, or justices of the peace, before whom such presentment shall be made, making default of such certificate contrary to this statute, to lose and forfeit for every such default one hundred pounds to the Queen's highness, her heirs and successors.

The penalty for default of certificate of the said offences.

IV. And it is enacted by the authority aforesaid, that the justices of the King's bench, as well upon every such certificate, as by enquiry before themselves, within the limits of their authorities, shall have full power and authority to hear, order and determine every such offence done or committed contrary to the true meaning of this present act, according to the laws of this realm, in such like manner and form to all intents and purposes, as if the person or persons, against whom any presentment shall be had upon this statute, had been presented upon any matter or offence expressed in the said statute made in the said sixteenth year of the reign of King *Richard* the Second.

The justices of the King's bench may hear and determine the offences aforesaid.

V. And moreover, be it enacted by the authority aforesaid, That as well all manner of persons expressed and appointed in and by the act made in the first year of the Queen's majesty's reign that now is, intituled, *An act restoring to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*, to take the oath expressed and set forth in the same: (2) as all other persons which have taken or shall take orders, commonly called *ordines sacros*, or ecclesiastical orders, (3) have been or shall be promoted, preferred or admitted to any degree of learning in any university within this realm or dominions to the same belonging: and all schoolmasters and publick and private teachers of children; (4) as also all manner of person and persons, that have taken or hereafter shall take any degree of learning in or at the common laws of this realm, as well utter-barresters as benchers, readers, ancients in any house or houses of court, (5) and all principal treasurers, and such as be of the grand company of every inn of chancery, and all attornies, protonotaries and philizers, towards the laws of this realm, (6) and all manner of sheriffs, escheators and feodaries, and all other person and persons which have taken or shall take upon him or them, or have been or shall be admitted to any ministry or office, in, at or belonging to the common law, or any other law or laws, of, to or for the execution of them, or any of them, used or allowed, or at any time hereafter to be used or allowed within this realm or any of the dominions or countries belonging, or which hereafter shall happen to belong, to the crown or dignity of the same; (7) and all other officers or ministers of or towards any court whatsoever, (8) and every of them, shall take and pronounce a corporal oath upon the evangelists, before he or they shall be admitted, allowed or suffered to take upon him or them, to use, exercise, supply or occupy any such vocation, office, degree

These shall take the oath set forth anno 1 Eliz. c. 1.

Takers of ecclesiastical orders.

Degrees in the universities. School-masters.

Utter-barresters.

Benchers. Readers. Ancients. Protonotaries. Attornies. Philizers. Sheriffs. Escheators. Feodaries. Officers at the common law.

Officer of any court,

ministry,

ministry, room or service, as is aforesaid, and that in the open court whereunto he doth or shall serve or belong: (9) and if he or they do not or shall not serve or belong to any ordinary or open court, then he or they shall take and pronounce the oath aforesaid, in an open place before a convenient assembly, to witness the same, (10) and before such person or persons as have or shall have authority by common use or otherwise, to admit or call any such person or persons, as is aforesaid, to any such vocation, office, ministry, room or service, or else before such person or persons, as by the Queen's highness, her heirs or successors, by commission under the great seal of *England*, shall be named or assigned, to accept and take the same, according to the tenor, effect and form of the same oath *verbatim*, which is, and as it is already set forth to be taken, in the aforesaid act made in the first year of the Queen's majesty's reign.

1 El. c. 1.

The bishop may tender the oath to any spiritual person.

VI. And also be it enacted by the authority of this present parliament, That every archbishop and bishop within this realm, and dominions of the same, shall have full power and authority by virtue of this act, to tender or minister the oath aforesaid, to every or any spiritual or ecclesiastical person within their proper diocese, as well in places and jurisdictions exempt, as elsewhere.

The lord chancellor may direct a commission to take the oath of any person.

VII. And be it enacted by the authority aforesaid, That the lord chancellor or keeper of the great seal of *England* for the time being, shall and may at all times hereafter, by virtue of this act, without further warrant, make and direct a commission or commissions under the great seal of *England*, to any person or persons, giving them or some of them thereby authority to tender and minister the oath aforesaid, to such person or persons, as by the aforesaid commission or commissions the said commissioners shall be authorized to tender the same oath unto.

The penalty for the first refusal of the oath.

VIII. And be it also further enacted by the authority of this present parliament, That if any person or persons appointed or compellable by this act, or by the said act made in the said first year, to take the said oath; or if any person or persons to whom the said oath by any such commission or commissions shall be limited and appointed to be tendered, as is aforesaid, do or shall, at the time of the said oath so tendered, refuse to take or pronounce the said oath in manner and form aforesaid, that then the party so refusing, and being thereof lawfully indicted or presented within one year next after any such refusal, and convicted or attainted at any time after, according to the laws of this realm, shall suffer and incur the dangers, penalties, pains and forfeitures, ordained and provided by the statute of provision and *præmunire* aforesaid, made in the sixteenth year of the reign of King *Richard* the Second.

16 R. 2. c. 5.

Certificate of refusal into the King's bench. Savill 47.

IX. And furthermore be it enacted by the authority aforesaid, That all and every such person and persons, having authority to tender the oath aforesaid, shall within forty days next after such refusal or refusals of the said oath, if the term be then open; and if not, then at the first day of the full term next following

lowing the said forty days, make true certificate under his or their seal or seals of the names, places and degrees of the person or persons so refusing the same oath, before the Queen, her heirs or successors, in her or their court, commonly called the King's bench; (2) upon pain that every of the said persons, having such authority to tender the said oath, making default of such certificate, shall for every such default forfeit an hundred pound to the Queen's highness, her heirs or successors: (3) and that the sheriff of the county where the said court, commonly called the King's bench, shall for the time be holden, shall or may by virtue of this act impanel a jury of the same county, to enquire of and upon every such refusal and refusals; (4) which jury shall or may upon every such certificate, and other evidence to them in that behalf to be given, by virtue of this act, proceed to indict the person and persons so offending in such sort and degree, to all intents and purposes, as the same jury may do of any offence or offences against the Queen's majesty's peace, perpetrated, committed or done within the same county, of and for which the same jury is so impanelled.

Dyer 234.

Indictment of the offender.

X. And for stronger defence and maintenance of this act, it is further ordained, enacted and established by the authority aforesaid, That if any such offender or offenders, as is aforesaid, of the first part or branch of this estatute, that is to say, by writing, cyphering, printing, preaching or teaching, deed or act, advisedly and wittingly hold or stand with, to extol, set forth, maintain or defend the authority, jurisdiction or power of the bishop of *Rome*, or of his see, heretofore claimed, used or usurped within this realm, or in any dominion or country, being of, within or under the Queen's power and obedience: (2) or by any speech, open deed or act, advisedly and wittingly attribute any such manner of jurisdiction, authority or preeminence to the said see of *Rome*, or to any bishop of the same see for the time being, within this realm, or in any the Queen's dominions or countries; (3) or be to any such offender or offenders abetting, procuring or counselling, or aiding, assisting or comforting, upon purpose, and to the intent to set forth, further and extol the said usurped power, authority or jurisdiction, after such conviction and attainder as is aforesaid; do estfoons commit or do the said offences or any of them, in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid:

It shall be treason the second time to maintain the authority of the bishop or see of *Rome*, or to refuse the oath,

XI. And also, That if any the persons above named and appointed by this act to take the oath aforesaid, do after the space of three months next after the first tender thereof, the second time refuse to take and pronounce, or do not take and pronounce the same, in form aforesaid to be tendered, that then every such offender or offenders, for the same second offence and offences, shall forfeit, lose and suffer such like and the same pains, forfeitures, judgment and execution, as is used in cases of high treason.

XII. Provided always, That this act, nor any thing therein con-

No corruption of blood or forfeiture of dower for any attainer by this act.

contained, nor any attainer to be had by force and virtue of this act, shall not extend to make any corruption of blood, the disheriting of any heir, forfeiture of dower, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders, during his, her or their natural lives only.

XIII. And that it shall and may be lawful to every person and persons, to whom the right or interest of any lands, tenements or hereditaments, after the death of any such offender or offenders, should or might have appertained, if no such attainer had been, to enter into the same, without any *ouster le main* to be sued, in such sort as he or they might have done, if this act had never been had ne made.

How the oath expressed anno 1 El. c. 1. shall be expounded.

XIV. Provided also, That the oath expressed in the said act made in the said first year, shall be taken and expounded in such form as is set forth in an admonition annexed to the Queen's majesty's injunctions, published in the first year of her Majesty's reign; that is to say, to confess and acknowledge in her Majesty, her heirs and successors, none other authority than that was challenged and lately used by the noble King *Henry* the Eighth and King *Edward* the Sixth; as in the said admonition more plainly may appear.

In what courts and places this act shall be published.

XV. And be it enacted by the authority aforesaid, That this act shall be openly read, published, and declared at every quarter-sessions by the clerk of the peace, and at every leet and law-day by the steward of the court, and once in every term in the open hall of every house and houses of court and chancery, at the times; and by the persons thereunto to be limited and appointed by the lord chancellor or keeper of the great seal for the time being.

Every knight, citizen and burghers of the parliament shall take the said oath before the lord steward or his deputy.

XVI. And be it further enacted, That every person which hereafter shall be elected or appointed a knight, citizen or burghers, or baron for any of the five ports, for any parliament or parliaments hereafter to be holden, shall from henceforth, before he shall enter into the parliament house, or have any voice there, openly receive and pronounce the said oath before the lord steward for the time being, or his deputy or deputies for that time to be appointed: (2) and that he which shall enter into the parliament-house without taking the said oath, shall be deemed no knight, citizen, burghers nor baron for that parliament, nor shall have any voice, but shall be to all intents, constructions and purposes, as if he had never been returned nor elected knight, citizen, burghers or baron for that parliament; and shall suffer such pains and penalties, as if he had presumed to sit in the same without election, return or authority.

None of or above the degree of a baron shall be compelled to take the said oath.

XVII. Provided alway, That forasmuch as the Queen's majesty is otherwise sufficiently assured of the faith and loyalty of the temporal lords of her high court of parliament; therefore this act, nor any thing therein contained, shall not extend to compel any temporal person, of or above the degree of a baron of this realm, to take or pronounce the oath aforesaid, nor to incur

incur any penalty limited by this act, for not taking or refusing the same; any thing in this act to the contrary in any wise notwithstanding.

XVIII. Provided, and be it enacted by the authority aforesaid, That charitable giving of reasonable alms to any of the offender or offenders above specified, without fraud or covin, shall not be taken or interpreted to be any such abetment, procuring, counselling, aiding, assisting or comforting, as thereby the giver of such alms shall incur any pain, penalty or forfeiture appointed in this act.

Charitable giving of alms to offenders shall be no cause of forfeiture.

XIX. Provided also, and be it enacted by the authority of this present parliament, That if any peer of this realm shall hereafter offend contrary to this act or any branch or article thereof, that in that and all such case and cases they shall be tried by their peers, in such manner and form as in other cases of treasons they have used to be tried, and by none other means.

Peers offending shall be tried by their peers.

XX. Provided also further, and be it enacted, That no person shall be compelled by virtue of this act to take the oath above-mentioned, at or upon the second time of offering the same, according to the form appointed by this statute, except the same person hath been, is, or shall be an ecclesiastical person, that had, hath or shall have in the time of one of the reigns of the Queen's majesty's most noble father, brother or sister, or in the time of the reign of the Queen's majesty, her heirs or successors, charge, cure or office in the church; (2) or such person or persons as had, hath or hereafter shall have, any office or ministry in any ecclesiastical court of this realm, under any archbishop or bishop, in any the times or reigns aforesaid; (3) or such person or persons as shall wilfully refuse to observe the orders and rites for divine service, that be authorized to be used and observed in the church of *England*, after that he or they shall be publickly by the ordinary, or some of his officers for ecclesiastical causes, admonished to keep and observe the same; (4) or such as shall openly and advisedly deprave by words, writings, or any other open fact, any of the rites and ceremonies at any time used and authorized to be used in the church of *England*; (5) or that shall say or hear the private mass prohibited by the laws of this realm; (6) and that all such persons shall be compellable to take the oath upon the second tender or offer of the same, and incur the penalties for not taking of the said oath, and none other.

Who only shall be compelled to take the oath upon the second tender.

XXI. *And forasmuch as it is doubtful, whether by the laws of this realm there be any punishment for such as kill or slay any person or persons attainted in or upon a præmunire,* (2) be it therefore enacted by authority aforesaid, That it shall not be lawful to any person or persons, to slay or kill any person or persons in any manner attainted, or hereafter to be attainted, of, in or upon any præmunire, by pretence, reason or authority of any judgment given, or hereafter to be given, in or upon the same, or by pretence, reason or force of any word or words, thing or things contained or specified in any statute, or law of provision and præmunire or in any of them; any law, statute or opinion

It is not lawful to slay one attainted in a præmunire. 25 Ed. 3. stat. 5. c. 22.

or exposition of any law or statute to the contrary in any wise notwithstanding.

Punishments
inflicted by
former laws.

XXII. Saving always the due execution of all and every person and persons attainted, or to be attainted, for any offence whereupon judgment of death now is or ought to be, or hereafter may lawfully be given, by reason of this statute or otherwise: (2) and saving always all and every such pains of death, or other hurt or punishment, as heretofore might, without danger of law, be done upon any person or persons that shall send or bring into this realm, or any other the Queen's dominions, or within the same, shall execute any summons, sentence, excommunication or other process against any person or persons, from the bishop of *Rome* for the time being, or by or from the see of *Rome*, or the authority or jurisdiction of the same see.

Upon what
proof only a
ny person may
be indicted.

XXIII. Provided always, and be it enacted by the authority aforesaid, That no person or persons shall hereafter be indicted for assisting, aiding, maintaining, comforting or abetting of any person or persons for any the said offences, in extolling, setting forth or defending of the usurped power and authority of the bishop of *Rome*, unless he or they be thereof lawfully accused by such good and sufficient testimony or proof, as by the jury by whom he shall so be indicted, shall be thought good, lawful and sufficient, to prove him or them guilty of the said offences. 23 *El. c. 1.*

CAP. II.

The statute of 4 H. 7. c. 19. 7 H. 8. c. 1. and 27 H. 8. c. 22. ordained for the keeping in repair of towns and houses of husbandry, and maintaining of tillage, shall be put in execution. The statute of 5 & 6 Ed. 6. c. 5. and 2 & 3 P. & M. c. 2. provided for the re-edifying of houses of husbandry, and the increase of tillage, shall be repealed. Such lands, or so much in quantity, as in any town, village, hamlet, lordship, place known, or parish, as hath been put in tillage, and eared in any one year, and so kept four years thence the feast of St. George the martyr, *anno* 20 H. 8. shall be eared and kept in tillage according to the nature of the soil and custom of the country, by the occupier thereof, upon pain that every offender shall forfeit ten shillings an acre yearly, to the next in remainder or reversion, for the term of life, lives or in tail; for the which he may distrain, or have A. B. P. or I: and in his default by the space of one year, then he in the reversion or remainder in fee-simple shall have the same remedy; and in his default, the immediate lord of the fee: and in his default, the Queen, or the Queen and informer. But this act shall not extend to any land converted from tillage into pasture, for the only keeping of his own horses, draught-oxen, kine or other cattle, for the only victuals to be spent in his own house; so that he hath not other sufficient pasture within five miles, nor to any park, warren of conies, &c. *ut supra.* 5 & 6 Ed. 6. c. 5. R. E. P. 39. *Eliz. c. 1. & 21 Jac. 1. c. 28.*

CAP. III.

A reviver of the statute of 22 H. 8. c. 12. and 3 & 4 Ed. 6. c. 16. touching relieving poor and impotent persons, and punishment of vagabonds. The poor and impotent persons of every parish shall be relieved of that which every person will of their charity give weekly; and the same relief shall be gathered in every parish by collectors assigned, and weekly distributed to the poor; for none of them shall openly go or sit begging. And if any parishioner shall obstinately refuse to pay reasonably towards the relief of the said poor, or shall discourage others; then the justices of peace at the quarter-sessions may tax him to a reasonable weekly sum; which if he refuse to pay, they may commit him to prison. And if any parish have in it more impotent poor persons than they are able to relieve, then the justices of the peace of the county may licence so many of them as they shall think good, to beg in one or more hundreds of the same county.

ty. And if any poor beg in any other place than he is licensed, he shall be punished as a vagabond, according to the stat. of 22 H. 8. *To endure to the end of the first session of the next parliament.* 14 Eliz. c. 5.

CAP. IV.

An act containing divers orders for artificers, labourers, servants of husbandry and apprentices.

ALTHOUGH there remain and stand in force presently a great number of acts and statutes concerning the retaining, departing, wages and orders of apprentices, servants and labourers, as well in husbandry as in divers other arts, mysteries and occupations; (2) yet partly for the imperfection and contrariety that is found, and doth appear in sundry of the said laws, and for the variety and number of them, (3) and chiefly for that the wages and allowances limited and rated in many of the said statutes, are in divers places too small and not answerable to this time, respecting the advancement of prices of all things belonging to the said servants and labourers; (4) the said laws cannot conveniently, without the great grief and burden of the poor labourer and hired man, be put in good and due execution: (5) and as the said several acts and statutes were, at the time of the making of them, thought to be very good and beneficial for the commonwealth of this realm (as divers of them are:) so if the substance of as many of the said laws as are meet to be continued, shall be digested and reduced into one sole law and statute, and in the same an uniform order prescribed and limited concerning the wages and other orders for apprentices, servants and labourers, there is good hope that it will come to pass, that the same law (being duly executed) should banish idleness, advance husbandry, and yield unto the hired person, both in the time of scarcity, and in the time of plenty, a convenient proportion of wages.

A repeal of so much of former statutes as concerns the hiring, keeping, departing, working or order of servants, labourers, &c. And a declaration who shall be compellable to serve in handicrafts and who in husbandry, and their several duties, &c.

II. Be it therefore enacted by the authority of this present parliament, That as much of all the statutes heretofore made, and every branch of them, as touch or concern the hiring, keeping, departing, working, wages, or order of servants, workmen, artificers, apprentices and labourers, or any of them, and the penalties and forfeitures concerning the same, shall be from and after the last day of *September* next ensuing, repealed and utterly void and of none effect; (2) and that all the said statutes, and every branch thereof, or any matter contained in them, and not repealed by this statute, shall remain and be in full force and effect; any thing in this statute to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That no manner of person or persons, after the aforesaid last day of *September* now next ensuing, shall retain, hire or take into service, or cause to be retained, hired or taken into service, nor any person shall be retained, hired or taken into service, by any means or colour, to work for any less time or term than for one whole year, in any of the sciences, crafts, mysteries or arts of clothiers, woolen cloth weavers, tuckers, fullers, clothworkers, shermen, dyers, hoiers, taylor, shoemakers, tanners, pewterers, bakers, brewers, glovers, cutlers, smiths, farriers, curriers, sadlers, spurriers, turners, cappers, hatmakers or feltmakers, bowyers, fletchers, arrow-head-makers, butchers, cooks or millers.

No person shall retain a servant in their sciencies under one whole year.

IV. And be it further enacted, That every person being unmarried;

What sort of persons are compellable to serve in any of the crafts aforesaid.

married; (2) and every other person being under the age of thirty years, that after the feast of *Easter* next shall marry, (3) and having been brought up in any of the said arts, crafts or sciences; (4) or that hath used or exercised any of them by the space of three years or more; (5) and not having lands, tenements, rents or hereditaments, copyhold or freehold, of an estate of inheritance, or for term of any life or lives, of the clear yearly value of forty shillings; (6) nor being worth of his own goods the clear value of ten pound; (7) and so allowed by two justices of the peace of the county where he hath most commonly inhabited by the space of one whole year, and under their hands and seals, (8) or by the mayor or other head officer of the city, borough or town corporate where such person hath most commonly dwelt by the space of one whole year, and two aldermen, or two other discreet burgeses of the same city, borough or town corporate, if there be no aldermen, under their hands and seals; (9) nor being retained with any person in husbandry, or in any of the aforesaid arts and sciences, according to this statute; (10) nor lawfully retained in any other art or science; (11) nor being lawfully retained in household, or in any office, with any nobleman, gentleman or others, according to the laws of this realm; (12) nor have a convenient farm, or other holding in tillage, whereupon he may employ his labour: (13) shall, during the time that he or they shall be so unmarried, or under the said age of thirty years, upon request made by any person using the art or mystery wherein the said person so required hath been exercised (as is aforesaid) be retained; (14) and shall not refuse to serve according to the tenor of this statute, upon the pain and penalty hereafter mentioned.

No person shall put away his servant, nor shall any servant depart from his master before the end of his time.

The cause of putting away servants, or their departing, to be determined by a justice of peace, mayor, bailiff, &c.

No servant shall depart, or be put away, but upon a quarter's warning.

V. And be it further enacted, That no person which shall retain any servant, shall put away his or her said servant, (2) and that no person retained according to this statute, shall depart from his master, mistress or dame, before the end of his or her term; (3) upon the pain hereafter mentioned; (4) unless it be for some reasonable and sufficient cause or matter to be allowed before two justices of peace, or one at the least, within the said county, or before the mayor or other chief officer of the city, borough or town corporate wherein the said master, mistress or dame inhabiteth, to whom any of the parties grieved shall complain; (5) which said justices or justice, mayor or chief officer, shall have and take upon them or him the hearing and ordering of the matter betwixt the said master or mistress, or dame and servant, according to the equity of the cause.

VI. And that no such master, mistress or dame, shall put away any such servant at the end of his term, or that any such servant shall depart from his said master, mistress or dame at the end of his term, without one quarter's warning given before the end of his said term, either by the said master, mistress or dame, or servant, the one to the other, upon the pain hereafter ensuing.

VII. And be it further enacted by the authority aforesaid, That

That every person between the age of twelve years and the age of sixty years, not being lawfully retained, nor apprentice with any fisherman or mariner haunting the seas; (2) nor being in service with any kiddy or carrier of any corn, grain or meal; for provision of the city of *London*; (3) nor with any husbandman in husbandry; (4) nor in any city, town corporate or market-town, in any of the arts or sciences limited or appointed by this estatute to have or take apprentices; (5) nor being retained by the year, or half the year at the least, for the digging, seeking, finding, getting, melting, fining, working, trying, making of any silver, tin, lead, iron, copper, stone, sea-coal, stone-coal, moor-coal or cherk-coal; (6) nor being occupied in or about the making of any glafs; (7) nor being a gentleman born, nor being a student or scholar in any of the universities, or in any school; (8) nor having lands, tenements, rents or hereditaments, for term of life, or of one estate of inheritance, of the clear yearly value of forty shillings; (9) nor being worth in goods and chattels to the value of ten pound; (10) nor having a father or mother then living, or other ancestor whose heir apparent he is, then having lands, tenements or hereditaments, of the yearly value of ten pound or above, or goods or chattels of the value of forty pound; (11) nor being a necessary or convenient officer or servant lawfully retained, as is aforesaid; (12) nor having a convenient farm or holding, whereupon he may or shall employ his labour; (13) nor being otherwise lawfully retained, according to the true meaning of this estatute; (14) shall after the aforesaid last day of *September* now next ensuing, by virtue of this estatute, be compelled to be retained to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve, within the same shire where he shall be so required.

What sort of persons are compellable to serve by the year in husbandry.

VIII. And be it further enacted by the authority of this present parliament, That if any person after he hath retained any servant, shall put away the same servant before the end of his term, unless it be for some reasonable and sufficient cause to be allowed, as is aforesaid; (2) or if any such master, mistress or dame, shall put away any such servant at the end of his term, without one quarter's warning given before the said end, as is above remembered; (3) that then every such master, mistress or dame so offending, unless he or they be able to prove by two such sufficient witnesses such reasonable and sufficient cause of putting away of their servant or servants, during their term, or a quarter's warning given afore the end of the said term, as is aforesaid, before the justices of *oyer and terminer*, justices of assize, justices of peace in the quarter-sessions, or before the mayor or other head officer of any city, borough or town corporate, and two aldermen, or two other discreet burgesses of the same city, borough or town corporate, if there be no aldermen, or before the lord president and council established in the marches of *Wales*, or before the lord president and council for the time

The forfeiture for putting away his servant within his term, or at the end of his term without warning.

being established in the north parts, shall forfeit the sum of forty shillings.

The punishment of a servant which performeth not his duty in service or departure.

IX. And if any servant retained according to the form of this estatute, depart from his master, mistress or dame's service, before the end of his term, unless it be for some reasonable and sufficient cause to be allowed, as is aforesaid; (2) or if any servant at the end of his term depart from his said master, mistress or dame's service without one quarter's warning given before the end of his said term, in form aforesaid, and before two lawful witnesses; (3) or if any person or persons compellable and bounden to be retained, and to serve in husbandry, or in any other the arts, sciences or mysteries above remembred, by the year or otherwise, do (upon request made) refuse to serve for the wages that shall be limited, rated and appointed, according to the form of this statute; (4) or promise or covenant to serve, and do not serve according to the tenor of the same: (5) that then every servant so departing away, and every person so refusing to serve for such wages, upon complaint thereof made by the master, mistress or dame of the said servant, or by the party to or with whom the said refusal is made, or promise not kept, to two justices of peace of the county, or to the mayor or other head officer of the city, borough or town corporate, and two aldermen, or two other discreet burgesies of the same city, borough or town corporate, if there be no aldermen, where the said master, mistress or dame, or the said party to or with whom the said refusal is made, and promise not kept, dwelleth, or to either of the said lords presidents and council, of *Wales*, and the north, the said justices, lords presidents and councils, and also the said mayors or other head officers, and other persons of cities, boroughs or towns corporate, or any of them, as is aforesaid, shall have power by force of this statute, to hear and examine the matter; (6) and finding the said servant, or the said party so refusing faulty in the premisses, upon such proofs and good matter as to their discretions shall be thought sufficient, to commit him or them to ward, there to remain without bail or mainprise, until the said servant or party so offending shall be bound to the party to whom the offence shall be made, to serve and continue with him for the wages that then shall be limited and appointed, according to the tenor and form of this estatute, and to be discharged upon his delivery, without paying any fee to the gaoler where he or they shall be so imprisoned.

None may depart forth of the city, town, parish, &c. without a testimonial.

X. And be it likewise enacted by the authority aforesaid, That none of the said retained persons in husbandry, or in any the arts or sciences above remembred, after the time of his retainer expired, shall depart forth of one city, town or parish to another; (2) nor out of the lath, rape, wapentake or hundred; (3) nor out of the county or shire where he last served, to serve in any other city, town corporate, lath, rape, wapentake, hundred, shire or county; (4) unless he have a testimonial under the seal of the said city or town corporate, or of the constable or constables, or other head officer or officers, and of two other honest

honest householders of the city, town or parish, where he last served, declaring his lawful departure, and the name of the shire and place where he dwelled last before his departure, according to the form hereafter expressed in this act: (5) which certificate or testimonial shall be written and delivered unto the said servant, and also registred by the parson, vicar or curate of the parish where such master, mistress or dame doth or shall dwell, taking for the doing thereof two-pence, and not above: and the form thereof shall be as followeth:

Memorandum, That *A. B.* late servant to *C. D.* of *E.* husbandman, or taylor, &c. in the county, &c. is licenced to depart from his said master, and is at his liberty to serve elsewhere, according to the statute in that case made and provided. In witness whereof, &c. Dated the day, month, year and place, &c. of the making thereof.

The form of the testimonial.

XI. And be it further enacted by the authority aforesaid, That no person or persons that shall depart out of a service, shall be retained or accepted into any other service, without shewing before his retainer, such testimonial as is above-remembered; to the chief officer of the town corporate, and in every other town and place, to the constable, curate, churchwarden, or other head officer of the same, where he shall be retained to serve; (2) upon the pain that every such servant so departing without such certificate or testimonial, shall be imprisoned until he procure a testimonial or certificate; (3) the which if he cannot do within the space of one and twenty days next after the first day of his imprisonment, then the said person to be whipped and used as a vagabond according to the laws in such cases provided; (4) and that every person retaining any such servant, without shewing such testimonial or certificate, as is aforesaid, shall forfeit for every such offence five pounds: (5) and if any such person shall be taken with any counterfeit or forged testimonial, then to be whipped as a vagabond.

No servant shall be retained without shewing his testimonial. Hetley 164.

The master shall pay v. li. that retaineth a servant without a testimonial. Counterfeit testimonials.

XII. And be it further enacted by the authority aforesaid, That all artificers and labourers, being hired for wages by the day or week, shall betwixt the midst of the months of *March* and *September* be and continue at their work at or before five of the clock in the morning, and continue at work and not depart until betwixt seven and eight of the clock at night (except it be in the time of breakfast, dinner or drinking, the which times at the most shall not exceed above two hours and a half in a day, that is to say, at every drinking one half hour, for his dinner one hour, and for his sleep when he is allowed to sleep, the which is from the midst of *May* to the midst of *August*, half an hour at the most, and at every breakfast one half hour: (2) and all the said artificers and labourers, between the midst of *September* and the midst of *March*, shall be and continue at their work from the spring of the day in the morning until the night of the same day, except it be in time afore appointed for breakfast and dinner; (3) upon pain to lose and forfeit one penny for every

How long labourers shall continue at their work.

every hour's absence, to be deducted and defaulted out of his wages that shall so offend.

No artificer or labourer shall depart before his work be finished.

XIII. And be it also enacted by the authority aforesaid, That every artificer and labourer that shall be lawfully retained in and for the building or repairing of any church, house, ship, mill or every other piece of work taken in great, in task or in gross, or that shall hereafter take upon him to make or finish any such thing or work, shall continue and not depart from the same, unless it be for not paying of his wages or hire agreed on, or otherwise lawfully taken or appointed to serve the Queen's majesty, her heirs or successors, or for other lawful cause, or without licence of the master or owner of the work, or of him that hath the charge thereof, before the finishing of the said work; (2) upon pain of imprisonment by one month, without bail or mainprise; (3) and the forfeiture of the sum of five pounds to the party from whom he shall so depart; for the which the said party may have his action of debt against him that shall so depart, in any of the Queen's majesty's courts of record, over and besides such ordinary costs and damages as may or ought to be recovered by the common laws, for or concerning any such offence: in which action no protection, wager of law or essoin shall be admitted.

XIV. And that no other artificer or labourer retained in any service, to work with the Queen's majesty or any other person, depart from her said Majesty or from the said other person, until such time as the work be finished, if the person so retaining the artificer or labourer so long will have him, and pay him his wages or other duties; upon pain of imprisonment of every person so departing, by the space of one month.

The wages of servants, labourers, artificers, shall be assessed by the justices of peace, sheriff, &c.

2 Roll. 269.
Bridgm. 119.

XV. And for the declaration and limitation what wages servants, labourers and artificers, either by the year or day or otherwise, shall have and receive, Be it enacted by the authority of this present parliament, That the justices of peace of every shire, riding and liberty within the limits of their several commissions, or the more part of them, being then resident within the same, and the sheriff of that county if he conveniently may, and every mayor, bailiff or other head officer within any city or town corporate wherein is any justice of peace, within the limits of the said city or town corporate, and of the said corporation, shall before the tenth day of *June* next coming, and afterward shall yearly at every general sessions first to be holden and kept after *Easter* or at some time convenient within six weeks next following every of the said feasts of *Easter*, assemble themselves together; (2) and they (so assembled) calling unto them such discreet and grave persons of the said county or of the said city or town corporate, as they shall think meet, and conferring together, respecting the plenty or scarcity of the time and other circumstances necessarily to be considered, shall have authority by virtue thereof, within the limits and precincts of their several commissions, to limit, rate and appoint the wages, as well of such and so many of the said artificers, handicrafts-men, husband-

bandmen or any other labourer, servant or workman, whose wages in time past hath been by any law or statute rated and appointed, (3) as also the wages of all other labourers, artificers, workmen or apprentices of husbandry, which have not been rated, (4) as they the same justices, mayors or head officers within their several commissions or liberties shall think meet by their discretions to be rated, limited or appointed by the year or by the day, week, month or otherwise, with meat and drink or without meat and drink, (5) and what wages every workman or labourer shall take by the great, for mowing, reaping or threshing of corn and grain, or for mowing or making of hay, or for ditching, paving, railing or hedging, by the rod, perch, lugg, yard, pole, rope or foot, and for any other kind of reasonable labours or service; (6) and shall yearly before the twelfth day of *July* next after the said assessments and rates so appointed and made, certify the same ingrossed in parchment, with the considerations and causes thereof, under their hands and seals, into the Queen's most honourable court of chancery; (7) whereupon it shall be lawful to the lord chancellor of *England*, or lord keeper of the great seal for the time being, upon declaration thereof to the Queen's majesty, her heirs or successors, or to the lords and others of the privy council for the time being, attendant upon their persons, to cause to be printed and sent down before the first day of *September* next after the said certificate, into every county, to the sheriff and justices of peace there, and to the said mayor, bailiff and head officers, ten or twelve proclamations or more, containing in every of them the several rates appointed by the said justices and other head officers, as is aforesaid, with commandment by the said proclamations, to all persons, in the name of the Queen's majesty, her heirs or successors, straitly to observe the same, and to all justices, sheriffs and other officers, to see the same duly and severally observed, upon the danger of the punishment and forfeiture limited and appointed by this estatute: (8) upon receipt whereof the said sheriffs, justices of peace and the mayor and head officer in every city or town corporate, shall cause the same proclamations to be entred of record by the clerk of the peace or by the clerk of the city or town corporate: (9) and the said sheriffs, justices, and other the said mayor and head officers, shall forthwith in open markets, upon the market-days before *Misbaelmas* then ensuing, cause the same proclamation to be proclaimed in every city or market-town within the limits of their commission, and the same proclamation to be fixed in some convenient place of the said city and town, or in such of the most occupied market-towns, as to the said sheriffs, justices of peace and to the said mayor and head officers shall be thought meet.

XVI. And if the said sheriffs, justices of peace, or the mayor or head officer, shall at their said general sessions or at any time after within six weeks then following, upon their assembly and conference together, think it convenient to retain and keep for the year then to come the rates and proportions of wages that they certified

Explained by
1 Jac. 1. c. 6.
f. 3.
Th. Jones, 47.

Proclamations shall be made of the rates of the wages of servants, &c.

Continuance or alteration of the rates of wages at the justices discretion.

tified the year before, or to change or to reform them or some part of them; then they shall before the said twelfth day of *July* yearly certify into the said court of chancery their resolutions and determinations therein, to the intent that proclamations may accordingly be renewed and sent down. (2) And if it shall happen, that there be no need of any reformation or alteration of the rates of the said wages, but that the former shall be thought meet to be continued; then the proclamations for the year past shall remain in force until new proclamations upon new rates concerning the said wages shall be sent down according to the form of this estatute.

The fine of the justices, mayor, bailiffs, &c. which be absent at the taxing of servants wages.

XVII. And be it further enacted by authority of this present parliament, That if all the said justices of peace, residing within the counties where they are or shall be justices of peace, mayors and head officers, do not before the tenth day of *June* next coming, and afterward yearly, appear and assemble at the said general sessions, or within six weeks next after the said general sessions, and limit and rate the wages of the said servants and labourers, or shall not consider whether the former rates made be meet to be continued or to be altered and reformed in manner and form aforesaid, or be negligent or remiss in the certificate thereof in form above-written, that then every justice of peace of the county, and every mayor or head officers of the city or town corporate, in whom any such default or negligence shall be found, being within the said county, city or town corporate at the time of the said next assembly, or at the time of the said sessions, or at the times of the said rates of wages to be set, within six weeks next after every such sessions; and not visited with any such sickness as he could not travel thither without peril and danger of his life, or not having any other lawful and good excuse, to be allowed by the justices then assembled for the rating and taxing of wages as is aforesaid, or by the more part of them, upon a corporal oath and affidavit to be taken and made openly before the said justices upon the holy evangelists, by some credible person assessed and taxed in the book of subsidy of that county to the clear value of five pounds at the least, or by such other person as the most part of such justices shall allow and accept to take such oath, shall for such default or negligence forfeit unto the Queen's majesty, her heirs and successors, ten pounds of lawful money of *England*.

The punishment of him that giveth more wages than is taxed by the justices, &c.

XVIII. And be it further enacted by the authority aforesaid, That if any person after the said proclamation shall be so sent down and published, shall by any secret ways or means, directly or indirectly retain or keep any servant, workman or labourer, or shall give any more or greater wages or other commodity, contrary to the true intent and purport of this estatute, or contrary to the rates or wages that shall be assessed or appointed in the said proclamations; that then every person that shall so offend, and be thereof lawfully convicted before any the justices or other head officers above-remembered, or either of the said presidents and councils, shall suffer imprisonment by the space

of ten days, without bail or mainprise, and shall lose and forfeit five pounds of lawful money of *England*.

XIX. And that every person that shall be so retained and take wages contrary to this estatute or any branch thereof, or of the said proclamation, and shall be thereof convicted before the justices aforesaid, or any two of them, or before the mayor or other head officers aforesaid, shall suffer imprisonment by the space of one and twenty days, without bail or mainprise.

The punishment of the servant, labourer, &c. that taketh more wages than is taxed.

XX. And that every retainer, promise, gift or payment of wages or other thing whatsoever contrary to the true meaning of this estatute, and every writing and bond to be made for that purpose, shall be utterly void and of none effect.

Every retainer contrary to this statute shall be void.

XXI. And be it enacted by the authority aforesaid, That if any servant, workman or labourer, shall wilfully or maliciously make any assault or affray upon his master, mistress or dame, or upon any other that shall at the time of such assault or affray, have the charge or oversight of any such servant, workman or labourer, or of the work wherein the said servant, workman or labourer is appointed or hired to work, and being thereof convicted before any two of the justices, mayor or other head officer aforesaid, where the said offence is committed, or before either of the said lords presidents and council before remembered, by confession of the said servant, workman or labourer, or by the testimony, witness and oath of two honest men; that then every such offender shall suffer imprisonment by the space of one whole year or less, by the discretion of two justices of peace if it be without a town corporate; (2) and if it be within a town corporate, then by the discretion of the mayor or head officer of the same town corporate, with two others of the discreetest persons of the same corporation at the least: (3) And if the offence shall require further punishment, then to receive such other open punishment, so as it extend not to life nor limb, as the justices of peace in open sessions, or as the more part of them, or the said mayor or head officer, and six or four at the least of the discreetest persons of the same corporation, before whom the offence shall be examined, shall think convenient for the quality of the said offence so done or committed.

The punishment of the servant that maketh assault upon his master, mistress, or overseer.

XXII. Provided always, and be it enacted by the authority aforesaid, That in the time of hay or corn harvest, the justices of peace and every of them, and also the constable or other head officer of every township upon request, and for the avoiding of the loss of any corn, grain or hay, shall and may cause all such artificers and persons as be meet to labour, by the discretions of the said justices or constables, or other head officers, or by any of them, to serve by the day for the mowing, reaping, shearing, setting or inning of corn, grain and hay, according to the skill and quality of the person; (2) and that none of the said persons shall refuse so to do, upon pain to suffer imprisonment in the stocks by the space of two days and one night: (3) And the constable of the town or other head officer of the same, where the said refusal shall be made, upon complaint to him

Artificers compellable to work in hay-time and harvest.

made, shall have authority by virtue hereof to set the said offender in the stocks for the time aforesaid, and shall punish him accordingly, upon pain to lose and forfeit for not doing thereof the sum of forty shillings.

A proviso for some that go into other shires for work in hay-time and harvest.

XXIII. Provided also, That all persons of the counties where they have accustomed to go into other shires for harvest-work, and having at that time no harvest work sufficient in the same town or county where he or they dwelt in the winter then last past, bringing with him or them a testimonial under the hand and seal of one justice of the peace of the shire, or other head officer of the town or place that he or they come from, testifying the same, for the which he shall pay not above one peny (other than such persons as shall be retained in service, according to the form of this estatute) may repair and resort in harvest of hay or corn, from the counties wherein their dwelling-places are, into any other place or county, for the only mowing, reaping and getting of hay, corn or grain, and for the only working of harvest-works, as they might have done before the making of this estatute; any thing herein contained to the contrary notwithstanding.

Women compellable to serve that be above twelve and under forty years old, unmarried, and forth of service.

XXIV. And be it further enacted by the authority aforesaid, That two justices of peace, the mayor or other head officer of any city, borough or town corporate, and two aldermen, or two other discreet burgessees of the same city, borough or town corporate, if there be no aldermen, shall and may, by virtue hereof, appoint any such woman as is of the age of twelve years, and under the age of forty years and unmarried, and forth of service, as they shall think meet to serve, to be retained or serve by the year, or by the week or day, for such wages, and in such reasonable fort and manner as they shall think meet; (2) and if any such woman shall refuse so to serve, then it shall be lawful for the said justices of peace, mayor or head officers, to commit such woman to ward, until she shall be bounden to serve as is aforesaid.

Husbandmen may take apprentices.

XXV. And for the better advancement of husbandry and tillage, and to the intent that such as are fit to be made apprentices to husbandry, may be bounden thereunto, (2) be it enacted by the authority of this present parliament, That every person being an householder, and having and using half a plough-land at the least in tillage, may have and receive as an apprentice any person above the age of ten years, and under the age of eighteen years, to serve in husbandry, until his age of one and twenty years at the least, or until the age of twenty-four years, as the parties can agree, and the said retainer and taking of an apprentice, to be made and done by indenture.

Every householder dwelling in any town corporate may take an apprentice for seven years.

XXVI. And be it further enacted, That every person being an householder, and twenty-four years old at the least, dwelling or inhabiting, or which shall dwell and inhabit in any city or town corporate, and using and exercising any art, mystery or manual occupation there, shall and may, after the feast of Saint *John Baptist* next coming, during the time that he shall so dwell

dwel or inhabit in any such city or town corporate, and use and exercise any such mystery, art or manual occupation, have and retain the son of any freeman, not occupying husbandry, nor being a labourer, and inhabiting in the same, or in any other city or town that now is or hereafter shall be and continue incorporate, to serve and be bound as an apprentice after the custom and order of the city of *London*, for seven years at the least, so as the term and years of such apprentice do not expire or determine afore such apprentice shall be of the age of twenty-four years at the least.

XXVII. Provided always and be it enacted, That it shall not be lawful to any person dwelling in any city or town corporate, using or exercising any of the mysteries or crafts of a merchant trafficking by traffick or trade into any the parts beyond the sea, mercer, draper, goldsmith, ironmonger, imbroiderer or clothier, that doth or shall put cloth to making and sale, to take any apprentice or servant to be instructed or taught in any of the arts, occupations, crafts or mysteries which they or any of them do use or exercise; except such servant or apprentice be his son; (2) or else that the father and mother of such apprentice or servant, shall have, at the time of taking such apprentice or servant, lands, tenements or other hereditaments, of the clear yearly value of forty shillings of one estate of inheritance or freehold at the least, to be certified under the hands and seals of three justices of the peace of the shire or shires where the said lands, tenements or other hereditaments, do or shall lie, to the mayor, bailiff or other head officers of such city or town corporate, and to be enrolled among the records there.

XXVIII. And be it further enacted, That from and after the said feast of *St. John the Baptist* next, it shall be lawful to every person being an householder, and four and twenty years old at the least, and not occupying husbandry, nor being a labourer, dwelling or inhabiting, or that shall hereafter dwell or inhabit in any town not being incorporate, that now is or hereafter shall be a market-town, so long as the same shall be weekly used and kept as a market-town, and using or exercising any art, mystery or manual occupation, during the time of his abode there, and so using and exercising such art, mystery or manual occupation as aforesaid, to have in like manner to apprentice or apprentices, the child or children of any other artificer or artificers, not occupying husbandry, nor being a labourer, which now do or hereafter shall inhabit or dwell in the same, or in any other such market-town within the same shire, to serve as apprentice or apprentices as is aforesaid, to any such art, mystery or manual occupation, as hath been usually exercised in any such market-town, where such apprentice shall be bound in manner and form aforesaid.

XXIX. Provided always, and be it enacted, That it shall not be lawful to any person, dwelling or inhabiting in any such market-town, using or exercising the feat, mystery or art of a merchant, trafficking or trading into the parts beyond the seas,

Merchants, &c. may take no apprentices but such whose parents may dispend xl. s. of freehold.

Whom they may have for their apprentices who dwell in market-towns not incorporate.
8. Co. 129.

What apprentices merchants, &c. dwelling in a market-town mercer,

not corporate
may take.
Cro. El. 723.

mercator, draper, goldsmith, ironmonger, imbroiderer or clothier, that doth or shall put cloth to making and sale, to take any apprentice, or in any wise to teach or instruct any person in the arts, sciences or mysteries last before recited, after the feast of St. *John Baptist* aforesaid; except such servant or apprentice shall be his son; or else that the father or mother of such apprentice shall have lands, tenements or other hereditaments, at the time of taking such apprentice, of the clear yearly value of three pounds; of one estate of inheritance or freehold at the least, to be certified under the hands and seals of three justices of the peace; of the shire or shires where the said lands, tenements or other hereditaments do or shall lie, to the head officers or head officer of such market-town where such apprentice or servant shall be taken, there to be inrolled by such head officers always to remain of record.

These artificers may take apprentices whose parents may dispend no land.

XXX. And be it further enacted, That from and after the said feast it shall be lawful to any person using or exercising the art or occupation of a smith, wheel-wright, plough-wright, mill-wright, carpenter, rough mason, plaisterer, sawyer, limeburner, brick-maker, bricklayer, tyler, slater, helier, tyle-maker, linen-weaver, turner, cowper, millers, earthen potters, woolen weaver weaving huswives or household cloth only and none other cloth, fuller, otherwise called tucker or walker, burner of oare and wood-ashes, thatcher or slungler, wheresoever he or they shall dwell or inhabit, to have or receive the son of any person as apprentice in manner and form aforesaid, to be taught and instructed in these occupations only, and in none other, albeit the father or mother of any such apprentice have not any lands, tenements or hereditaments.

1 Lev. 249.
2 Salk. 611.
Carthew. 168.
3 Mod. 152.

None may use any manual occupation, except he hath been apprentice to the same, &c.

31 El. c. 5.
22 Geo. 2. c. 44.
3 Bullstr. 179.
1 Roll. 10.
2 Roll. 391.
Stiles 223, 383.
Disfillers exempted by 12 Anna, stat. 2. c. 3. s. 1.

1 Lutw. 164. 2
Cro. Car. 316,

XXXI. And be it further enacted by the authority aforesaid, That after the first day of *May* next coming, it shall not be lawful to any person or persons, other than such as now do lawfully use or exercise any art, mystery or manual occupation, (2) to set up, occupy, use or exercise any craft, mystery or occupation, now used or occupied within the realm of *England* or *Wales*; except he shall have been brought up therein seven years at the least as an apprentice, in manner and form above-said; (4) nor to set any person on work in such mystery, art or occupation, being not a workman at this day; (5) except he shall have been apprentice as is aforesaid; (6) or else having served as an apprentice as is aforesaid, shall or will become a journeyman, or be hired by the year; (7) upon pain that every person willingly offending or doing the contrary, shall forfeit and lose for every default forty shillings for every month.

Lev. 206. 2 Co. 129. 11 Co. 54. Cro. El. 737. Cro. Jac. 85, 178, 538. Hob. 211, 183. Noy. 5.

What sort of persons woolen weavers may take apprentices.

XXXII. Provided always, and be it further enacted by the authority aforesaid, That no person or persons using or exercising the art or mystery of a woolen cloth-weaver, other than such as be inhabiting within the counties of *Cumberland*, *Westmorland*, *Lancaster* and *Wales*; weaving frizes, cottons or huswives cloth only,

only, making and weaving woollen cloth commonly sold or to be sold by any clothman or clothier, shall take and have an apprentice, or shall teach or in any wise instruct any person or persons in the science, art or occupation of weaving aforesaid, in any village, town or place (cities, towns corporate and market-towns only except) unless such person be his son, or else that the father or mother of such apprentice or servant shall at the time of the taking of such person or persons to be an apprentice or servant, or to be so instructed, have lands or tenements or other hereditaments, to the clear yearly value of three pounds at the least, of an estate of inheritance or freehold, to be certified under the hands and seals of three justices of the peace of the shire or shires where the said lands, tenements or other hereditaments do or shall lie; (2) the effect of the indenture to be registered within three months in the parish where such master shall dwell, and to pay for such registering four pence; (3) upon pain of forfeiture of twenty shillings for every month that any person shall otherwise take any apprentice, or set any such person on work contrary to the meaning of this article.

Repeated by 5
& 6. W. & M.
c. 9.

XXXIII. And be it further enacted by the authority aforesaid, That all and every person and persons that shall have three apprentices in any of the said crafts, mysteries or occupations of a cloth-maker, fuller, sheerman, weaver, taylor or shoemaker, shall retain and keep one journeyman, and for every other apprentice above the number of the said three apprentices, one other journeyman, upon pain for every default therein ten pounds.

He that hath
three apprentices
must
keep one jour-
neyman.

XXXIV. Provided always, That this act, nor any thing therein contained, shall not extend to prejudice or hinder any liberties heretofore granted by any act of parliament, to or for the company and occupation of worsted-makers and worsted-weavers within the city of *Norwich*, and elsewhere within the county of *Norfolk*, which liberties be in force until the beginning of this present parliament; any thing herein contained to the contrary in any wise notwithstanding.

A proviso for
the liberties of
worsted-ma-
kers in Nor-
wich and Nor-
folk.

14 & 15 H. 8.
c. 3.

XXXV. And be it further enacted, That if any person shall be required by any householder, having and using half a ploughland at the least in tillage, to be an apprentice, and to serve in husbandry, or in any other kind of art, mystery or science before expressed, and shall refuse so to do, that then upon the complaint of such housekeeper made to one justice of the peace of the county wherein the said refusal is or shall be made, or of such householder inhabiting in any city, town corporate or market-town, to the mayor, bailiffs or head officer of the said city, town corporate or market-town, if any such refusal shall there be, they shall have full power and authority by virtue hereof, to send for the same person so refusing: (2) And if the said justice, or the said mayor or head officer shall think the said person meet and convenient to serve as an apprentice in that art, labour science or mystery, wherein he shall be so then required to serve: That then the said justice, or the said mayor or head officer, shall have power and authority by virtue hereof, if the said person

The punish-
ment of him
that refuseth
to be an ap-
prentice.

The remedy for the apprentice which is misused by his master, and for the master when the apprentice doth not his duty,

son refuse to be bound as an apprentice, to commit him unto ward, there to remain until he be contented, and will be bounden to serve as an apprentice should serve, according to the true intent and meaning of this present act. (3) And if any such master shall misuse or evil intreat his apprentice, or that the said apprentice shall have any just cause to complain, or the apprentice do not his duty to his master, then the said master or apprentice being grieved, and having cause to complain, shall repair unto one justice of peace within the said county, or to the mayor or other head officer of the city, town corporate, market-town or other place where the said master dwelleth, who shall by his wisdom and discretion take such order and direction between the said master and his apprentice, as the equity of the cause shall require; (4) and if for want of good conformity in the said master, the said justice of peace, or the said mayor or other head officer cannot compound and agree the matter between him and his apprentice, then the said justice, or the said mayor or other head officer, shall take bond of the said master to appear at the next sessions then to be holden in the said county, or within the said city, town corporate or market-town, to be before the justices of the said county, or the mayor or head officer of the said town corporate or market-town, if the said master dwell within any such; (5) and upon his appearance and hearing of the matter before the said justices, or the said mayor or other head officer, if it be thought meet unto them to discharge the said apprentice of his apprenticeship, that then the said justices, or four of them at the least, whereof one to be of the *quorum*; or the said mayor or other head officer, with the assent of three other of his brethren, or men of best reputation within the said city, town corporate or market-town, shall have power by authority hereof, in writing under their hands and seals, to pronounce and declare, That they have discharged the said apprentice of his apprenticeship, and the cause thereof; (6) and the said writing so being made and enrolled by the clerk of the peace or town-clerk, amongst the records that he keepeth, shall be a sufficient discharge for the said apprentice against his master, his executors and administrators; the indenture of the said apprenticeship, or any law or custom to the contrary notwithstanding. (7) And if the default shall be found to be in the apprentice, then the said justices, or the said mayor or other head officer, with the assistance aforesaid, shall cause such due correction and punishment to be ministred unto him, as by their wisdom and discretions shall be thought meet.

Where an apprentice may be discharged of his apprenticeship.

None shall be bound to be apprentices but those which be under xxi. years of age,

XXXVI. Provided always, and be it enacted by authority of this present parliament, That no person shall by force or colour of this estatute be bounden to enter into any apprenticeship, other than such as be under the age of twenty-one years.

XXXVII. And to the end that this estatute may from time to time be carefully and diligently put in good execution, according to the tenor and true meaning thereof, be it enacted by authority

authority of this present parliament, That the justices of peace of every county, dividing themselves into several limits, and likewise every mayor and head officer of any city or town corporate, shall yearly between the feast of St. Michael the archangel, and the nativity of our Lord, and between the feast of the annunciation of our Lady and the feast of the nativity of St. John Baptist, by all such ways and means as to their wisdoms shall be thought most meet, make a special and diligent enquiry of the branches and articles of this estatute, and of the good execution of the same; and where they shall find any defaults, to see the same severely corrected and punished, without favour, affection, malice or displeasure.

XXXVIII. And in consideration of the pains and travel that the said justices of peace, and the said mayor and head officer shall take and sustain in and about the execution of this estatute, it is further ordained and enacted by authority of this present parliament, That every justice of peace, mayor or head officer, for every day that he shall sit in and about the execution of this estatute, shall have allowed unto him five shillings, to be allowed and paid unto him, or unto the said mayor or head officer, of the fines and forfeitures of the pains and penalties that shall be forfeited and due unto the Queen's majesty, her heirs and successors, by force of this estatute, in such manner and form as the said justices have been heretofore commonly paid for their coming and charges at the quarter-sessions; so that the sitting of the said justices or mayor, or head officer, be not at any one time above three days, and for the matters contained in this estatute.

XXXIX. And be it enacted by authority aforesaid, That the one half of all forfeitures and penalties expressed and mentioned in this estatute, other than such as are expressly otherwise appointed, shall be to our sovereign lady the Queen's majesty, her heirs and successors, and the other moiety to him or them that shall sue for the same in any of the Queen's majesty's courts of record, or before any of the justices of *oyer and terminer*, or before any other justices, or president and council before remembered, by action of debt, information, bill of complaint or otherwise; in which actions or suits, no protections, wager of law or essoin shall be allowed; (2) and that the said justices, or two of them, whereof one to be of the *quorum*, and the said presidents and council, as is aforesaid, and the said mayors or other head officers of cities or towns corporate, shall have full power and authority to hear and determine all and every offence and offences that shall be committed or done against this estatute, or against any branch thereof, as well upon indictment to be taken before them in the sessions of the peace, as upon information, action of debt, or bill of complaint to be sued or exhibited by any person; (3) and shall and may by virtue hereof make process against the defendant, and award execution, as in any other case they lawfully may by any the laws and statutes

Assembly of the justices twice in the year for the due execution of this statute.

The justices allowance for their pains.

Who shall have the forfeitures mentioned in this statute.

Moor 886.
Cro. 499.

Justices of peace, mayor, &c. may hear and determine all offences committed against this statute.
31 El. c. 5.
1 Salk. 370.

statutes of this realm; (4) and shall yearly in *Michaelmas term* certify by estreat, the fines and forfeitures of every the offences contained in this estatute, that shall be found before them, into the court of exchequer, in like sort and form as they be bound to certify the estreats for other offences and forfeitures to be lost before them; any thing in this statute contained to the contrary notwithstanding.

A proviso for the cities of London and Norwich.

XL. Provided always, That this act, or any thing therein contained or mentioned, shall not be prejudicial or hurtful to the cities of *London* and *Norwich*, or to the lawful liberties, usages, customs or privileges of the same cities, for or concerning the having or taking of any apprentice or apprentices; but that the citizens and freemen of the same cities shall and may take, have and retain apprentices there, in such manner and form as they might lawfully have done before the making of this statute; this act, or any thing therein contained, to the contrary in any wise notwithstanding.

The forfeiture of him that taketh an apprentice otherwise than is limited by this statute.

XLI. And be it also further enacted, That all indentures, covenants, promises and bargains of or for the having, taking or keeping of any apprentice, otherwise hereafter to be made or taken, than is by this statute limited, ordained and appointed, shall be clearly void in the law, to all intents and purposes; (2) and that every person that shall from henceforth take or newly retain any apprentice contrary to the tenor and true meaning of this act, shall forfeit and lose for every apprentice so by him taken, the sum of ten pounds.

He that is bound apprentice within the age of xxj. years is compellable to serve.

XLII. *And because there hath been, and is some question and scruple moved, whether any person, being within the age of one and twenty years, and bounden to serve as an apprentice, in any other place than in the said city of London, should be bounden, accepted and taken as an apprentice;*

XLIII. For the resolution of the said scruple and doubt, be it enacted by authority of this present parliament, That all and every such person or persons that at any time or times from henceforth shall be bounden by indenture to serve as an apprentice in any art, science, occupation or labour, according to the tenor of this estatute, and in manner and form aforesaid, albeit the same apprentice, or any of them, shall be within the age of one and twenty years, at the time of the making of their severall indentures, shall be bounden to serve for the years in their severall indentures contained, as amply and largely to every intent, as if the same apprentice were of full age at the time of the making of such indentures; any law, usage or custom to the contrary notwithstanding.

A proviso for the inhabitants of Godalming in Surrey.

XLIV. Provided always, and be it enacted by the authority aforesaid, That the inhabitants now dwelling or inhabiting, or that hereafter shall dwell or inhabit within the town of *Godalming* within the county of *Surrey*, within the limits of the watch of the said town, may use and exercise such arts, mysteries and occupations, and take and use apprentices and servants, in such manner

manner and form as the inhabitants within market towns by this statute may lawfully do.

XLV. Provided always, and be it enacted by the authority aforesaid, That all manner armerciaments, fines, issues and forfeitures which shall arise, grow, or come by reason of any offences or defaults mentioned in this act, or any branch thereof, within any city or town corporate, shall be levied, gathered and received by such person or persons of the same city or town corporate, as shall be appointed by the mayor or other head officers mentioned in this said act, to the use and maintenance of the same city or town corporate, in such case and condition as any manner other armerciaments, fines, issues or forfeitures have been used to be levied and employed within the same city or town corporate, by reason of any grant or charter from the Queen's majesty that now is, or of any her Grace's noble progenitors, made and granted to the same city, borough or town corporate; any thing or clause before-mentioned and expressed in this act to the contrary notwithstanding.

Who shall have the forfeiture in cities and towns corporate.

XLVI. Provided always, That this act, or any thing therein contained, shall not extend to any lawful retainings or covenants had or made before the making of this act, but that all and every the parties to such retainings or covenants shall and may have the same and like advantages of such retainings and covenants, and of the statutes heretofore in that behalf provided, as if this act had never been had or made; any clause of repeal or other matter whatsoever in this act to the contrary in any wise notwithstanding.

Retainings and covenants made before this statute.

XLVII. And be it further enacted by the authority aforesaid, That if any servant or apprentice of husbandry, or of any art, science or occupation aforesaid, unlawfully depart or flee into any other shire; that it shall be lawful to the said justices of peace, and to the said mayors, bailiffs and other head officers of cities and towns corporate, for the time being justices of peace there, to make and grant writs of *Capias*, so many, and such as shall be needful, to be directed to the sheriffs of the counties, or to other head officers of the places whither such servants or apprentices shall so depart or flee, to take their bodies, returnable before them at what time shall please them; so that if they come by such process, that they be put in prison till they shall find sufficient surety well and honestly to serve their masters, mistresses or dames from whom they so departed or fled, according to the order of the law.

A remedy for those servants which depart from their masters, and do flee into other shires.

XLVIII. Provided always, That it shall be lawful to the high constables of hundreds in every shire, to hold, keep and continue petty sessions, otherwise called statute-sessions, within the limits of their authorities, in all shires wherein such sessions have been used to be kept, in such manner and form as heretofore hath been used and accustomed, so as nothing be by them done therein contrary or repugnant to this present act.

High constables may keep statute sessions.

CAP V.

An act touching politick constitutions for the maintenance of the navy.

Constitutions
for the main-
tenance of the
Navy, &c.
13 Co. 52.
Goldsb. 39.
pl. 16.

Any subject
may carry
sea-fish forth
of the realm
in any of the
Queen's sub-
jects ships
without pay-
ing customs.
EXP.
23 El. c. 11.
f. 2.
27 El. c. 11, 15.

None shall set
price of, make
restraint or
demand toll
of sea-fish
brought into
this realm.
The sum of ten
pounds is for-
feited by
10 & 11 W. 3.
c. 24. f. 10.

Proviso for
the mayor,
&c. of King-
ston upon
Hull.

33 H. 8. c. 33.

FOR the better maintenance and encrease of the navy of this realm of *England*, be it enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled; and by the authority aforesaid, That from the first day of *April*, Anno Dom. one thousand five hundred sixty-four, and so from thenceforth it shall be lawful to all and every of the subjects of our sovereign lady the Queen, her heirs and successors, at his and their will and pleasure, to carry and transport out of this realm, in the ships and other vessels of any of the subjects aforesaid, all and every kind of herrings and other sea-fish, to be taken upon the seas by any of the subjects aforesaid (any act of parliament or law to the contrary notwithstanding) (2) and that all and every person and persons which shall by virtue of this act transport or carry any herrings or other sea-fish, from or out of any port or harbour of this realm, to any place out of the dominions of the Queen's majesty, her heirs or successors, shall be free from payment of any custom, subsidy or poundage money for the same fish so carried or transported, during the space of four whole years, beginning at the said first day of *April* one thousand five hundred sixty-four, and so further during her Majesty's pleasure.

II. And be it further enacted by the authority aforesaid, That from the first day of *May* next coming it shall not be lawful to any person or persons in any port, city, town, market, or other place within this realm, to set price, make any restraint, or take or demand toll or tax of any sea-fish to be brought into this realm, or any part thereof, being taken by any of the subjects aforesaid in the ships or other vessels of the same subjects, upon pain to every person offending contrary to the meaning hereof, to forfeit the value of the fish so restrained, prized, tolled or taxed; any liberty, custom, grant, privilege or other matter whatsoever to the contrary in any wise notwithstanding.

III. Provided always, That this present act, nor any thing therein contained, shall be prejudicial or hurtful to the mayor and burgesses of the King's town upon *Hull*, or their successors, mayors and burgesses of the same town, or to any other officer or minister of the same town at any time hereafter; but that they and every of them may receive, have and take all and every such toll, customs and sums of money, of all and every such person and persons, as is limited, appointed and set forth by them to be taken in an act of parliament made in the three and thirtieth year of the reign of our late sovereign lord King *Henry* the Eighth: and that neither the said mayor and burgesses of *Kingston* upon *Hull*, nor any inhabitant there, or any of them, shall take any advantage of that article of this estatute for the carriage of any herrings or salted fish to any the parts beyond

the sea; any thing in this present act mentioned, contained, specified or declared in any wise to the contrary notwithstanding.

IV. Be it also enacted by the authority aforesaid, That no purveyor or other person whatsoever shall from the said first day of *May*, by virtue of any commission or otherwise, take any herring or sea-fish from any of the subjects aforementioned that shall take the same in the ships or other vessels of the said subjects as is abovesaid, other wise than by agreement of the owners or sellers of the same fish, upon pain for every purveyor, and other person whatsoever, offending contrary to the tenor of this act, to forfeit the double value of the herrings or fish so to be taken: (2) and it shall be lawful for any person, being owner or seller of any such sea-fish so taken as is aforesaid, to withstand any person that will (by any colour of purveying or otherwise) demand any such fish, or the toll of any such fish, without the good-will of the owner or seller as aforesaid.

No purveyor shall take any sea-fish of any that shall take the same in any subjects ship.

V. Provided, That the fish called composition-fish, heretofore granted to the Queen's majesty by the subjects of this realm travelling into *Iseland*, shall be taken by her Majesty's officers and purveyors, in such sort as the same hath been lawfully used to be taken before the making of this act; (2) and saving to the Queen's majesty, her heirs and successors, and to all other persons, such fishes as be known and used to be called regal fishes, whereunto her Majesty, or the said other persons, have or shall have right or interest, for such recompence as heretofore hath been accustomed.

A proviso for composition-fish.

Regal fishes.

VI. And be it further enacted by the authority aforesaid, That from the said first day of *April*, which shall be in the year of our Lord God one thousand five hundred sixty-four, it shall not be lawful to any person or persons, to buy of any stranger born out of the Queen's majesty's obeysance, or out of any stranger's bottom, any herring, being not sufficiently salted, packed and casked, upon pain to every person and persons so buying, to forfeit the herrings so by him or them to be bought or the value thereof.

No herring shall be brought forth of a stranger's bottom, which is not salted, packed and casked sufficiently.

VII. Provided always, That this branch of this act shall not extend to any herrings to be bought, which by reason of shipwrack shall be brought into this realm, but that it shall be lawful to all and every person and persons to buy all such herrings so brought in by shipwrack as aforesaid, as he or they lawfully might have done before the making of this act; any thing in this act contained to the contrary in any wise notwithstanding.

A proviso for herrings brought into the realm by shipwrack.

VIII. Be it also further enacted by the authority aforesaid, That from the feast of *St. John Baptist* next ensuing, it shall not be lawful to any person or persons to cause to be loaden and carried in any bottom or bottoms whereof any stranger or strangers born then be owners, shipmasters or part-owners, any kind of fish, victual, wares or things, of what kind or nature soever the same shall be, from one port or creek of this realm to another port or creek of the same realm; (2) upon pain to every one

No wares may be carried from one port in this realm to another in a stranger's ship.

12 Car. 2. c. 18. f. 6.

that shall offend contrary to the true meaning of this branch of this present act, to forfeit all the goods so laden or carried or the value thereof.

1 Eliz. c. 13.
Repealed by
13 El. c. 15.

All cod and
ling must be
brought into
this realm,
loose, and not
in barrels.

IX. And that from henceforth all *English* hoys and plats may cross the seas as far as *Caen* in *Normandy*, and eastward as far as *Norway*; the statute made in the first year of the Queen's majesty's reign to the contrary hereof notwithstanding.

X. And forasmuch as there is much deceitful packing used in cod and lings brought in barrels or other casks into this realm; (2) be it therefore enacted by the authority aforesaid, That from and after the first day of *April* in the year of our Lord God one thousand five hundred sixty-four, it shall not be lawful to any person or persons to bring into this realm any cod or lings in barrels or other casks, but loose in bulk and by tale, to be sold within this realm; (3) upon pain for every one that shall offend contrary to the tenour hereof, to forfeit all the cod and ling so to be brought in or the value thereof.

EXP. 13 El.
c. 11.

No wines shall
be brought
forth of
France nor
any woad,
brought into
this realm, but
in English
shipping.

5 Ed. 6. c. 18.
4 H. 7. c. 10.
5 R. 2. stat. 1.
c. 3.

XI. And be it further enacted, That from the feast of *St. Michael* the archangel next following, no person or persons whatsoever shall bring into this realm of *England* or any part of the same, any wine coming out of any of the dominions or countries belonging to the crown of *France*, or any woad called *Tholouse* woad, in any other vessel or vessels, but only in such vessel and vessels, whereof some subject or subjects of the Queen's majesty, her heirs or successors, shall be then only owner or part-owner; (2) upon pain to forfeit all wines and woad brought contrary to the meaning hereof, according to the meaning of an estatute made in the time of the reign of King *Henry* the Seventh concerning wine of the duchy of *Gascoign* and *Guyen*, (except that there may be brought into *Wales*, or any port within the county of *Monmouth*, *Roche*l wines.)

Owners of
ships, fishers
on the sea,
gunners and
shipwrights,
may take ap-
prentices.

XII. Be it also enacted by the authority aforesaid, That from henceforth it shall be lawful to all and every owner and owners of ships or vessels, and to every householder using and exercising the trade of the seas by fishing or otherwise, and to every gunner or gunners, commonly called canoneers, and to every shipwright, to take and keep one or more apprentice or apprentices to be brought up in the said trade or trades, every of the same apprentice or apprentices to be to them bound for ten years or under: (2) and every apprentice so taken, being above seven years of age, shall be by the same covenants bound, ordered and used to all intents according to the custom of the city of *London*; so that the same covenant or bond of apprenticeship be made by writing indented, and inrolled in the town where the same apprentice shall be then inhabiting, if it be a town corporate; and if the town be not incorporate, then to be inrolled in the next town incorporate to the habitation of every such apprentice: (3) and that the officers of every such town corporate shall take for every such inrolment

not

not above twelve pence; any law, statute or other matter whatsoever to the contrary notwithstanding.

XIII. And be it further enacted, That so much of the statute made in the fifth and sixth years of the late King *Edward the Sixth*, intituled, *An act against regrators, forestallers, and ingrossers*, and so much of all other estatutes against regrators, forestallers and ingrossers, as doth and may concern the buying of sea-fish unsalted or mud-fish, or any wine, oil or salt, to be taken and brought in any *English* subjects ships, crayers or other vessel, unto any port, creek or place of this realm, shall from henceforth to all intents, constructions and purposes, be utterly repealed, and void, for so much of the said oils, wine, sea-fish, mud-fish and salt, as any buyer or buyers upon the sea, by way of forestalling or regrating, shall and do bring and discharge in any port or haven within this realm.

A repeal of part of the stat. 5 & 6 Ed. 6. c. 14. made against regrators, &c.

XIV. And for increase of provision of fish by the more usual and common eating thereof, be it further enacted by the authority aforesaid, That from the feast of *St. Michael* the archangel in the year of our Lord God one thousand five hundred sixty-four, every Wednesday in every week throughout the whole year, which heretofore hath not by the laws or customs of this realm been used and observed as a fish-day, and which shall not happen to fall in *Christmas* week or *Easter* week, shall be hereafter observed and kept, as the Saturdays in every week be or ought to be: (2) and that no manner of person shall eat any flesh on the same day, otherwise than ought to be upon the common Saturday.

Every Wednesday shall be fish day, EXP. 27 El. c. 11.

XV. And be it further enacted by the authority aforesaid, for the benefit and commodity of this realm, to grow as well in maintenance of the navy, as in sparing and increase of flesh victual of this realm, That from and after the feast of *Pentecost* next coming it shall not be lawful to any person or persons within this realm to eat any flesh upon any days now usually observed as fish-days, or upon any Wednesday now newly limited to be observed as fish-day; (2) upon pain that every person offending herein shall forfeit three pound for every time he or they shall offend, or else suffer three months close imprisonment without bail or mainprize.

All fish-days shall be observed. Forfeiture of three pound, or three months close imprisonment, for eating flesh upon days prohibited.

XVI. And every person or persons within whose house any such offence shall be done, and being privy or knowing thereof, and not effectually punishing, or disclosing the same to some publick officer having authority to punish the same, for every such offence to forfeit forty shillings: (2) all which forfeitures for not abstaining from meats, shall be divided into three equal parts; that is, one part to the use of the Queen's majesty, her heirs or successors; the other part to the informer; the third to the common use of the parish where the offence is or shall be committed, and to be levied by the churchwardens after any conviction in that behalf.

Altered as to the penalty by 35 El. c 7. l. 22. and expired.

Forfeiture of a householder where flesh is eaten. EXP. How the forfeiture shall be bestowed.

XVII. Provided always, and be it enacted, That this act, nor any thing herein contained concerning eating of flesh, shall

A proviso for them which have licences to eat flesh.

How much every person shall pay for his licence.

in any wise extend to any person or persons that shall hereafter have any special licence, upon causes to be contained in the same licence, and to be granted according to the laws of this realm in such cases provided :

XVIII. All and every which said licence and licences shall be void to all intents, unless the same contain the conditions hereafter mentioned ; that is to say, every licence made to any person or persons being of the degree of a lord of parliament, or of their wives, shall be upon condition, that every such person so to be licenced shall pay to the poor mens box within the parish where they shall dwell or remain, in the feast of the purification of the blessed virgin *Mary*, or within six days after the same feast, six and twenty shillings and eight pence, the same to be paid within one month next after the same feast, upon pain of forfeiture of every such licence ; (2) and every licence to any person of the degree of a knight or a knight's wife, shall be upon condition, that every such person so licenced shall pay yearly thirteen shillings and four pence, to the use aforesaid, and in form aforementioned ; (3) and every licence to any person or persons being under the degree above said, shall be upon condition, that every such person so licenced shall pay yearly six shillings and eight pence to the said use, and in form afore mentioned.

XIX. Provided always, That no licence shall extend to the eating of any beef at any time of the year, nor to the eating of any veal in any year from the feast of *St. Michael* the archangel unto the first day of *May*.

Licences in times of sickness.

XX. Provided also, That all persons which by reason of notorious sickness shall be enforced for recovery of health to eat flesh for the time of their sickness, shall be sufficiently licenced by the bishop of the diocese ; (2) or by the parson, vicar or curate of the parish where such person shall be sick, or of one of the next parish adjoining, if the said parson, vicar or curate of his or their own parish be wilful, or if there be no curate within the same parish ; (3) which licence shall be made in writing signed with the hand of the bishop of the diocese, or of the parson, vicar or curate, and not to endure longer than the time of the sickness ; (4) and that if the sickness shall continue above the space of eight days after such licence granted, then the licence shall be registered in the church book, with the knowledge of one of the churchwardens ; (5) and the party licenced shall give to the curate four pence for the entry thereof, and that licence to endure no longer, but only for the time of his her or their sickness.

XXI. And if any licence by any parson, vicar or curate, be granted to any person or persons, other than such as evidently appear to have need thereof by reason of their sickness ; not only every such licence shall be void, but also every such parson, vicar or curate, shall forfeit for every such licence otherwise granted, five marks.

XXII. Provided also, and be it enacted, That all licences heretofore granted to any subject of this realm by any of the late Kings

Kings, or by the late Queen *Mary*, or by the Queen's majesty now being, or by any archbishop of this realm, having authority so to do, shall be of as good force in law for the *Wednesday* now limited, and other accustomed fish-days, as they were before the making of this act for the said other accustomed fish-days, so as the parties licenced do hereafter observe all such conditions as be limited in this estatute to such as shall hereafter obtain any licences.

XXIII. And such persons also as heretofore were or ought to be licenced by reason of age or other impediment or cause, by order of the ecclesiastical laws, shall enjoy the same privilege and accustomed licences; any thing in this act to the contrary hereof in any wise notwithstanding.

XXIV. And be it enacted by the authority of this present parliament, That no forfeiture of ship, crayer or other vessel, or of any apparel of the same, nor any other penalty or forfeiture, shall be extended or grow against any owner or owners of any ship, crayer or other vessel, for the transporting or carrying of any wheat or other corn, or things prohibited by the estatute made in the parliament holden the first and second years of King *Philip* and Queen *Mary*, unless the same owner or owners shall be witting, knowing, aiding or consenting to the prohibiting, transporting or carrying; the said statute or any thing therein mentioned to the contrary hereof in any wise notwithstanding.

XXV. And be it further enacted by the authority of this present parliament, That all and every person and persons, which be or shall be by the laws and estatutes of this realm, or otherwise authorized to sell wines by retail in the several counties and places where they be or shall be so authorized, shall and may from henceforth sell the said wines by pint, quart, pottle, gallon or otherwise, at such price or prices, and in such form, as shall be limited by the Queen's majesty's proclamation in that county or place, made with the assent of such lords and other persons, as by the statute made in the twenty-eighth year of the reign of King *Henry* the Eighth were authorized to set price upon wines in gros, without any pain or forfeiture for the same; any law, usage or estatute heretofore made or had to the contrary hereof in any wise notwithstanding.

XXVI. And be it further enacted by the authority of this present parliament, That from and after the feast of Saint *Michael* the archangel next coming, it shall be lawful to all and every person and persons, being subjects to the Queen's majesty, her heirs and successors, only out of such ports and creeks as by the Queen's majesty's proclamation hereafter shall be published and appointed, and not elsewhere, to load, carry or transport any wheat, rye, barley, malt, pease or beans, into any parts beyond the seas, to sell as a merchandize, in ships, crayers or other vessels, whereof any born subjects then shall be the only owners; (2) so that the

The licences granted to any persons before the making of this act shall extend to the Wednesdays.

Licences by the law ecclesiastical.

1 & 2 Ph. & M. c. 5.

In what only case the owner of a ship shall forfeit for transporting of corn.

EXP.

Wines shall be sold at such prices as shall be limited by the Queen's proclamation.

28 H. 8. c. 14.

When and upon what prices and conditions each person may transport corn.

Farther provisions relating hereto.

13 El. c. 13.
1 Jac. 1. c. 25.
c. 26.

21 Jac. 1. c. 28. price of the said corn or grain so carried or transported, exceed not the prices hereafter following, at the times, havens and places, where and when the same corn or grain shall be shipped and laden; viz. The quarter of wheat at ten shillings; (3) the quarter of rye, pease or beans, at eight shillings; (4) the quarter of barley or malt at six shillings eight pence of current money of England; any law, usage or estatute heretofore made to the contrary hereof in any wise notwithstanding.

The statute of 18 H. 6. c. 19. ordained against soldiers, shall extend to mariners and gunners. **XXVII.** *And where doubt hath heretofore been, whether the statute in the eighteenth year of the reign of King Henry the Sixth, heretofore made against soldiers retained which depart from their captains without licence, did or ought to extend unto mariners and gunners serving on the seas, taking wages of the King or Queen of this realm;* (2) Be it expressed, ordained, enacted and declared by authority of this present parliament, That the said estatute made in the said eighteenth year of the reign of King Henry the Sixth, in all pains, forfeitures and other things, did, doth and hereafter shall extend, as well to all and every mariner and gunner having taken or shall hereafter take prest or wages to serve the Queen's Majesty, her heirs or successors, to all intents and purposes, as the same did or doth unto any soldier; any diversities of opinion, doubt, matter or thing to the contrary hereof in any wise notwithstanding:

In what cases and places the statute of 24 H. 8. c. 4. provided for the sowing of hemp and flax shall be revived. Repealed by 35 El. c. 7. s. 21. **XXVIII.** *And where an estatute concerning sowing of flax and hemp, was made and provided in the parliament holden in the four and twentieth year of the reign of our late sovereign lord King Henry the Eighth, to be universal through every county of this realm, for the better provision of nets, for help and furtherance of fishing, and for eschewing of idleness:*

XXIX. Be it ordained and enacted by authority of this present parliament, That in every such county of this realm or part of such county, where by the Queen's majesty's proclamation it shall hereafter be published the said estatute to be commodious or profitable for the commonwealth, the said estatute, and every clause, article and provision therein contained, be and shall be revived, and stand in full force and strength to be executed and performed, from the feast of Saint Michael the archangel next coming, in all things, other than in the proportion of a rood or fourth part of an acre, and in the pain of three shillings and four pence, by the said estatute limited: (2) in place whereof, be it ordained and enacted by the authority aforesaid, That in every case and degree where by the said former estatute one rood or fourth part of an acre is limited to be sown with linseed otherwise flaxseed or hempseed; from the said feast of Saint Michael the archangel next coming, in stead and lieu of the said rood or fourth part of an acre, one whole acre or less, as by proclamation in form aforesaid shall be limited, shall be sown with linseed otherwise flaxseed

feed or hempseed, upon pain of forfeiture of five pounds for every such default or offence.

XXX. And further, be it ordained and enacted by the authority aforesaid, That all and every such of the offences before-mentioned, as hereafter shall be done on the main sea or coasts of the sea, being no part of the body of any county of this realm, and without the precinct, jurisdiction and liberties of the cinque-ports, and out of any haven or pier, shall be tried and determined before the lord admiral of *England* or his lieutenant, deputy or deputies, and other justices of *oyer* and *terminer*, according to the form of the said estatute of *Anno 28 Henrici 8.* for causes of piracy: (2) and if the same shall be done on the main sea or coasts of the sea, within the jurisdiction or liberty of the cinque-ports, and out of any haven or port, then the same to be tried and determined before the said lord warden of the said cinque-ports or his lieutenant or judge, or before justices of *oyer* and *terminer*, according to the true form of the said estatute of *Anno 28 Henrici 8.* for causes of piracy: (3) and for all and singular such other of the offences before-mentioned, as shall be done in the land or within any haven or pier, all justices of peace in their sessions, and mayors, sheriffs and bailiffs, and other head officers in cities and towns corporate, in their sessions or other courts within the limits of their commissions or authorities, shall have full power and authority to enquire of the offenders of this act, as well by the oaths of twelve men, as otherwise by information, and thereupon to hear and determine the same.

XXXI. And if any person or persons shall be presented before the said judges, justices or officers, within the limits of their authorities, or any information given to them of any offender of this act, that then they shall have full power and authority upon any such presentment or information, to make process against the offenders of this act, like as is commonly used upon indictments of trespass: (2) and if any be presented, and afterward be convicted, by confession or otherwise, that then every such person shall suffer no less forfeiture, or punishment than herein is before limited: (3) all which forfeitures to be levied in manner and form following; that is to say, such forfeitures concerning eating of flesh, as are before limited to certain uses, to be to the same uses in that behalf before expressed; (4) and all such forfeitures, as according to the tenour of this act shall be determinable before the said judges, justices or other officers of the admiralties aforesaid, or before commissioners of *oyer* and *terminer* in that behalf, shall be to the use of the lord admiral of *England* or lord warden of the cinque-ports, where such offence shall be presented, or whereas the jurisdiction of the cause shall appertain:

XXXII. And all such forfeitures, as according to the tenour of this act shall be determinable before the mayors, sheriffs, bailiffs or other head officers of cities or towns corporate, shall be to the common use of the corporation of the said city or

What magistrates shall enquire of hear and determine the offences aforesaid.

28 H. 8. c. 15.

Who shall have the benefit of all the forfeitures aforesaid.

town corporate where such offences shall be presented, or whereto the jurisdiction of the cause shall appertain.

XXXIII. And that all such forfeitures, as according to the tenor of this act shall be determinable before the justices of the peace, shall be to the use of the Queen's majesty, her heirs and successors: (2) and if any person shall be convicted by confession or otherwise, upon any information made by any person or persons against any offender or offenders of this act, in any cause (save for the eating of flesh first before specially limited) that then every such person so convicted upon any information shall lose such forfeiture as is before limited; the one half thereof to be to such as so shall make the information, and the other half to those, which upon presentment, without special information, are before limited to have the whole forfeiture.

What process shall be awarded against offenders.

XXXIV. And that for the levying of every forfeiture growing by this estatute, as well the said lord admiral of England, lord warden of the cinque-ports, their lieutenants and judges, as the said justices, mayors, sheriffs, bailiffs and other head officers within the limits of their commissions or authorities, have and shall have full power and authority to make such process as they shall think good by their discretions.

Within what time an information shall be made after the offence committed.

XXXV. Provided always, That no information at the suit of any person concerning this act shall be of any effect to put any person to answer or loss of forfeiture, except the said information be commenced within half a year next after the offence done contrary to this act; (2) nor that any information or presentment for the Queen's majesty, her heirs or successors, or for the admiral, warden of the cinque-courts, mayors or other officers aforesaid, be of any effect, to put any person to answer or loss of any forfeiture by virtue of this act, except the said information or presentment be within one year next after the offence done and committed contrary to this act.

What diet each person must have upon his table on the Wednesday, that shall have licence to eat flesh. EXP.

XXXVI. Provided, and be it likewise enacted, That it shall be lawful to any person or persons to have at his or their table upon every *Wednesday*, being ordered by this estatute to be observed as a fish-day, one only usual competent dish of flesh of one kind and no more, so that he, she or they have also served to the same table and mease at the same meal, three full competent usual dishes of sea-fish of sundry kinds, either fresh or salt, and that without fraud or covin, and so shall also order that the same fish be meet and seasonable, and that it shall be eaten or spent in like manner as upon *Fridays* or *Saturdays* in like case are used.

XXXVII. And also such persons as have, or hereafter shall have, upon good and just consideration, any lawful licence to eat flesh upon any fish-day (except such persons as for sickness shall for the time be licensed by the bishop of the diocese or by their curates, or shall be licensed by reason of age or other impediment allowed heretofore by the ecclesiastical laws of this realm) shall be bound by force of this statute to have for every one dish of flesh served to be eaten at their table, one usual dish

of sea-fish, fresh or salt, to be likewise served at the same table, and to be eaten or spent without fraud or covin, as the like kind is or shall be usually eaten or spent on *Saturdays*.

XXXVIII. And that these two articles and clauses next above shall be taken and interpreted from time to time in the favour of expence of sea-fish, and that the offender or offenders herein shall be punished in like manner as is ordered by the estatute for punishment of such as shall eat flesh upon *Fridays*, *Saturdays* or other fish-days.

XXXIX. *And because no manner of person shall mis-judge of the intent of this estatute, limiting orders to eat fish, and to forbear eating of flesh, but that the same is purposely intended and meant politickly for the increase of fishermen and mariners, and repairing of port-towns and navigation, and not for any superstition to be maintained in the choice of meats :*

The intent of this statute touching eating of fish and forbearing of flesh.

XL. Be it enacted, That whosoever shall by preaching, teaching, writing or open speech notify, that any eating of fish, or forbearing of flesh, mentioned in this statute, is of any necessity for the saving of the soul of man, or that it is the service of God, otherwise than as other politick laws are and be; that then such persons shall be punished as spreaders of false news are and ought to be.

Spreaders of false news.

XLI. Be it enacted in the favour of fishermen and mariners haunting the sea as fishermen or mariners, That none of them shall hereafter, at any time, be compelled against his or their will to serve as any soldiers upon the land or upon the sea, otherwise than as a mariner, except it shall be to serve under any captain of some ship or vessel, for landing to do some special exploit which mariners have used to do, or under any other person having authority to withstand any invasion of enemies, or to subdue any rebellion within the realm, and also except all such persons as by tenure, lawful custom or covenant, be or shall be otherwise bound to serve.

Fishermen and mariners shall not be compelled to serve as soldiers, but in some cases.

XLII. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to take away or diminish any liberty, privilege, franchise; forfeiture or amerciamment, fines, issues, wrecks of the sea, or any other lawful inheritance or freehold, from any person or persons, bodies politick or corporate, their heirs or successors, for or touching any lawful liberty, authority or jurisdiction admiral, or for conservation of any water that they or any of them now have lawfully, or hereafter shall have; any thing in the same to the contrary notwithstanding.

A saving of the liberties of all persons.

XLIII. Provided always, and be it further enacted by the authority aforesaid, That no fishermen using or haunting the sea shall be taken by the Queen's majesty's commission to serve her highness as a mariner on the sea; but that the said commission be first brought by her Highness taker or takers to two justices of peace next adjoining and inhabiting to the said sea-coasts, towns or other places where the said mariners are so to be taken, to the intent the said justices may choose out and cause to be returned such sufficient number of able men, as in the said commission shall

In what cases a fisherman shall be taken by commission to serve on the sea as a mariner.

shall be contained, to serve her Majesty, as is aforesaid.

The liberties
of the five ports
and great Yar-
mouth in some
cases reserved.

XLIV. Saving always to the cinque-ports, and also to the town of *Great Yarmouth* all such lawful liberties as they justly have before the making of this act, touching the free-fair kept at *Yarmouth*, other than in buying of strangers, and taking of toll, as the same be before prohibited.

The authority
of the lord
warden of the
cinque-ports.

XLV. Provided always, That any thing in this act contain- ed shall not be hurtful or prejudicial to any authority, stile, pre- heminence, dignity or jurisdiction belonging to the office of the lord warden of the cinque-ports.

What wine
may be
brought in
strangers ships
into the isle of
Man.

XLVI. Provided always, That it shall and may be lawful to and for any person or persons, being strangers born, to bring yearly in any ship, bottom or vessel whereof any stranger or strangers born is or shall be owner or owners, into any havens, ports and towns of the isle of *Man*, or into any of them, any of the wines made in any of the dominions or countries belong- ing to the crown of *France*; and in the same ports and towns, or any of them, to discharge the said wines so to be brought; so that there be not brought and discharged by the same strangers, in any such strangers ships, bottoms or vessels, in any one year, in or at the said havens, ports and towns, or any of them, above one hundred tons at the most; this act or any thing therein contained to the contrary thereof notwithstanding.

Wine brought
in strangers
ships into
Chepstow.

XLVII. Provided also, That it shall and may be lawful to and for any person or persons, being strangers born, to bring yearly in any ship, vessel or bottom, whereof any stranger or strangers born is or shall be owner or owners, into the haven, port and town of *Chepstow* in the county of *Monmouth*, any wines made in any of the said dominions or countries belonging to the said crown of *France*, over and besides all *Rachel* wines heretofore in this act allowed to be brought, and in the same port and town to discharge the said wines, so that there be not brought and dis- charged by the same strangers in any such strangers ships, bot- toms or vessels, in any one year, in or at the said haven, port and town, above one hundred tons at the most; this act or any thing therein contained to the contrary notwithstanding.

What wine
may be
brought in
strangers ships
into *Wales*
and *Newport*.

XLVIII. Provided also, That it shall and may be lawful to and for any person or persons, being strangers born, to bring yearly in any ship, vessel or bottom, whereof any stranger or strangers born is or shall be owner or owners, into the havens, ports and towns of *Cardiff*, *Carnarvon*, *Bewmarris*, and other havens, ports and towns of *South-Wales* and *North-Wales*, or any of them, and into the haven, port and town of *Newport* in the said county of *Monmouth*, any of the said wines made in any of the said dominions or countries belonging to the said crown of *France*, over and besides all *Rochel* wines heretofore in this act allowed to be brought, and in and at the same ports and towns, or any of them, to discharge the said wines so to be brought, so that there be not brought and discharged by the same strangers, in any such strangers ships, bottoms or vessels, in any one year, in or at the said havens, ports and towns, or any

any of them, above one hundred tons at the most; this act or any thing therein contained to the contrary thereof notwithstanding.

XLIX. Saving unto the Queen's majesty, her heirs and successors, all such duties and things which her Highness, her heirs and successors ought to have and enjoy, be answered and paid, for the said three hundred tons of wines mentioned in the said three last provisos, to be brought and discharged, as in the same three provisos have been mentioned and declared; any thing in this act to the contrary thereof notwithstanding.

A saving of the Queen's duties.

L. Provided also, and be it further enacted by the authority aforesaid, That this act, or any thing or things therein contained, shall not in any manner of wise extend to give unto the lord admiral of *England* for the time being, or to any his vice-admirals, judge or judges of the admiralty, his or their deputy or deputies, or to any other the officers or ministers of the admiralty, or to any others having or claiming any admiral power, jurisdiction or authority within this realm and *Wales*, or any other the Queen's dominions, any other power, right, jurisdiction, preheminance or authority, than he or they, or any of them, lawfully have, hath or had, or ought to have and enjoy, before the making of this act, other than for such of the offences specified in this act, as hereafter shall be done upon the main sea, within the jurisdiction of the admiralty; this act or any article, branch, clause, provision or thing therein contained to the contrary thereof notwithstanding.

The lord admiral &c. shall have no greater authority than he had before.

LI. This act shall continue and endure until the end of ten whole years, to be accounted from the feast of St. *Michael* the archangel, which shall be in the year of our lord God one thousand five hundred sixty-four, and from thence to the end of the next parliament then following the end of the said ten years. *In part continued by 39 Eliz. c. 18. 1 Jac. 1. c. 25. 21 Jac. 1. c. 28. & 3 Car. 1. c. 4. and further continued by 16 Car. 1. c. 4. All of this statute, that at any time was repealed, is repealed by 35 Eliz. c. 7.*

CAP. VI,

Whosoever shall sell or deliver to any person (having not in possession, lands or fees, to the clear yearly value of 3000*l.*) any foreign wares not first grown, or first wrought within the Queen's dominions, appertaining to the clothing or adorning of the body, for which wares, or the workmanship thereof, the seller shall not have received the whole money, or satisfaction in hand, or within eight and twenty days after the making or delivery thereof; the seller, maker, &c. shall be without all remedy by order of any law, custom or degree, to recover any recompense for such wares, or the workmanship, whatsoever assurance he shall have by bond, surety, promise or pain of the party, or any other: and all assurances and bonds in that case shall be void. 38 Ed. 3. stat. 1. c. 5. 7 Jac. 1. c. 12. — *To endure to the end of the next parliament.*

CAP. VII.

An act avoiding divers foreign wares made by handicraftsmen beyond the seas.

No person shall bring into this realm to be sold, girdles, rapiers, daggers, &c. ready wrought and made beyond the seas.

WHEREAS heretofore the artificers of this realm of England (as well within the city of London as within other cities, towns and boroughs of the same realm) that is to wit, girdlers, cutlers, saddlers, glovers, point-makers, and such like handicraftsmen, have been in their said faculties greatly wrought, and greatly set on work, as well for sustentation of themselves, their wives and families, as for a good education of a great part of the youth of this realm in good art and laudible exercise, besides the manifold benefits, that by means or by reason of their knowledges, inventions and continual travel, daily and universally came to the whole estate of the commonwealth of the said realm.

The several inconveniences of bringing wares ready wrought into England.

II. Yet notwithstanding so now it is, that by reason of the abundance of foreign wares brought into this realm from the parts of beyond the seas, the said artificers are not only less occupied, and thereby utterly impoverished, the youth not trained in the said sciences and exercises, and thereby the said faculties, and the exquisite knowledges thereof, like in short time within this realm to decay; but also divers cities and towns within this realm of England much thereby impaired, the whole realm greatly endamaged, and other countries notably enriched, and the people thereof well set on work, to their commodities and livings, in the arts and sciences aforesaid, and to the great discouragement of skilful workmen of this realm, being in very deed nothing inferior to any stranger in the faculties aforesaid.

None shall bring into this realm the wares within mentioned ready wrought.

3 Ed. 4. c. 4.
1 R. 3. c. 12.
27 El. C. 11.

III. For reformation whereof, be it enacted by our sovereign lady the Queen's highness, and by the lords spiritual and temporal, and the commons of this present parliament assembled, and by the authority of the same, That no person or persons whatsoever, from or after the feast of the nativity of St. John Baptist now next ensuing, shall bring or cause to be brought into this realm of England from the parts of beyond the seas, any girdles, harness for girdles, rapiers, daggers, knives, hilts, pummels, lockets, chapes, dagger-blades, handles, scabbards, and sheaths for knives, saddles, horse-harness, stirrups, bits, gloves, points, leather-laces or pins, being ready made or wrought in any parts of beyond the seas, to be sold, bartered or exchanged within this realm of England or Wales; (2) upon pain to forfeit all such wares so to be brought contrary to the true meaning of this act, in whose hands soever they or any of them shall be found, or the very value thereof: the one half of the forfeiture to be to our sovereign lady the Queen's highness, her heirs and successors, and the other moiety thereof to him or them that will seize the same, or sue therefore in any court of record of the Queen's majesty, her heirs and successors, by action of debt, bill, plaint, information or otherwise, where no wager of law, essoin or protection, shall be to him or them allowed, (3) This act to continue and endure to the end of the next parliament. 3 Car. 1. c. 4. continued till the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP.

CAP. VIII.

No butcher shall be a tanner. Who only may be tanners. The several duties of tanners, curriers and shoemakers in their wares and workman-
ships. Where, when, and by whom leather shall be searched, sealed and
sold. Oaks shall be felled in barking time only. A restraint of trans-
porting of leather. A repeal of the statutes of 25 Ed. 3. Stat. 1. c. 4. 13.
R. 2. c. 12. 4 H. 4. c. 35. 2 H. 6. c. 7. 4 Ed. 4. c. 7. 1 H. 7. c. 5. 19 H.
7. c. 19. 3 H. 8. c. 10. 5 H. 8. c. 7. 14 & 15 H. 8. c. 9. 22 H. 8. c. 6. 3 Leon. 104.
24 H. 8. c. 1. 2 & 3 Ed. 6. c. 9. 1 Eliz. c. 18. 3 & 4 Ed. 6. c. 9. of part
of the 5 & 6 Ed. 6. c. 15. 1 Eliz. c. 8 & 9. made touching tanners,
curriers and shoemakers, their wares and workmanship. REP. 1. Jac. 1. c. 22.

CAP. IX.

An act for punishment of such as shall procure or commit any wilful perjury.

WHERE in the parliament holden at Westminster in the two
and thirtieth year of the reign of the late king of famous me-
mory, King Henry the Eighth, amongst other things, it was ordained,
enacted and established, That no person or persons of what estate,
degree or condition soever he or they were, should from thenceforth un-
lawfully suborn any witness or witnesses, by letters, rewards, promi-
ses, or by any other sinister labour or means, for to maintain any mat-
ter or cause, or to the disturbance or hindrance of justice, or to the
procurement or occasion of any manner of perjury, by false verdict or
otherwise, in any of the King's courts of chancery, the star-chamber,
the Whitehall, or elsewhere within any of the King's dominions of
England or Wales, or the marches of the same, where any person
or persons have or from thenceforth should have authority by virtue of
the King's commission, patent or writ, to hold plea of land, or to exa-
mine, hear or determine any title of lands, or any matter or witnesses
concerning the title, right or interest of any lands, tenements or here-
ditaments, upon pain of forfeiture for every such offence, ten pound,
the one moiety thereof to be to the King, and the other to the party that
would sue for the same, as by the same statute, amongst divers other
things, more plainly it doth appear :

II. Sithence the making whereof, for that the said penalty is so small
towards the offenders in that behalf, the said offence of subornation,
and sinister procurement of false witnesses, hath nevertheless greatly
increased and augmented, (2) and by reason of the wilful perjury
committed by the same suborned witnesses, divers and sundry of the
Queen's majesty's subjects have sustained disherison and great impove-
rishment, as well of their lands and tenements, as also of their
goods and chattels :

III. Be it therefore enacted by our sovereign lady the Queen,
by the assent of the lords spiritual and temporal, and the commons,
in this present parliament assembled, and by the authority of the
same, That all and every such person and persons, which at any
time after the tenth day of April next coming shall unlawfully
and corruptly procure any witness or witnesses by letters, re-
wards, promises, or by any other sinister and unlawful labour
or means whatsoever, to commit any wilful and corrupt perju-
ry, (2) in any matter or cause whatsoever now depending, or
which

What punish-
ment shall be
inflicted upon
persons who
commit wilful
perjury.

1 Roll. 79.

2 Roll. 195,

244, 429.

12 Co. 101.

Latch 38.

Vaugh. 152.

A rehearsal of

the statute of

32 H. 8. c. 9.

made against

the suborna-
tion of Wit-
nesses.

Hetley 12.

Godbolt 71.

pl. 86.

Savil 43.

Mod. cases in

law 179.

3 Bulstr. 147.

2 Leon. 198.

3 Leon. 201.

The penalty for procuring

of wilful per-
jury.

Coke, pla. 367.

Raft. pla. 481.

Goldb. 192.

pl. 140.

which hereafter shall depend in suit and variance, by any writ, action, bill, complaint or information, (3) in any wise touching or concerning any lands, tenements or hereditaments, or any goods, chattels, debts or damages, (4) in any of the courts before mentioned, or in any of the Queen's majesty's courts of record, or in any leet, view of frank-pledge or law-day, antient demean court, hundred court, court baron, or in the court or courts of the stannery in the counties of *Devon* and *Cornwal*; (5) or shall likewise unlawfully and corruptly procure or suborn any witness or witnesses, which shall from and after the said tenth day of *April* be sworn to testify in *perpetuam rei memoriam*; (6) that then every such offender or offenders shall for his, her, or their said offence, being thereof lawfully convicted or attainted, lose and forfeit the sum of forty pounds.

The penalty
enlarged by 2
G. 2. c. 25.

IV. And if it happen any such offender or offenders, so being convicted or attainted as aforesaid, not to have any goods or chattels, lands or tenements, to the value of forty pounds, that then every such person so being convicted or attainted of any the offences aforesaid shall for his or their said offence suffer imprisonment by the space of one half year, without bail or mainprize, and to stand upon the pillory the space of one whole hour, in some market-town next adjoining to the place where the offence was committed, in open market there, or in the market-town itself where the offence was committed.

2 Leon. 12.

V. And that no person or persons being so convicted or attainted, to be from thenceforth received as a witness to be deposed and sworn in any court of record within any of the Queen's highness dominions of *England*, *Wales*, or the marches of the same, until such time as the judgment given against the said person or persons shall be reversed by attain or otherwise; (2) and that upon every such reversal, the parties grieved, to recover his or their damages against all and every such person and persons as did procure the said judgment so reversed to be first given against them or any of them, by action or actions to be sued upon his or their case or cases, according to the course of the common laws of this realm.

VI. And be it further enacted by the authority aforesaid, That if any person or persons after the said tenth day of *April* next coming, either by the subordination, unlawful procurement, sinister persuasion or means of any others, or by their own act, consent or agreement, wilfully and corruptly commit any manner of wilful perjury, by his or their deposition in any

The penalty of
him that doth
commit wilful
perjury.
Coke, pla. 164,
165.
Cro. El. 201,
4 14-
5 Co. 99.

rei memoriam, that then every person or persons so offending, and being thereof duly convicted or attainted by the laws of this realm, shall for his or their said offence lose and forfeit twenty pounds, and to have imprisonment by the space of six months without bail or mainprize; (2) and the oath of such person or persons so offending, from thenceforth not to be received in any court of record within this realm of *England* or *Wales*, or the marches of the same, until such time as the judgment given against the said person or persons shall be reversed by attain or otherwise:

(3) and

(3) And that upon every such reversal the parties grieved to recover his or their damages against all and every such person and persons as did procure the said judgment so reversed to be given against them or any of them, by action or actions to be sued upon his or their case or cases, according to the course of the common laws of this realm.

VII. And if it happen the said offender or offenders so offending not to have any goods or chattels to the value of twenty pounds; that then he or they to be set on the pillory in some market-place within the shire, city or borough, where the said offence shall be committed, by the sheriff or his ministers, if it shall fortune to be without any city or town corporate; (2) and if it happen to be within any such city or town corporate, then by the said head officer or officers of such city or town corporate, or by his or their ministers, and there to have both his ears nailed, and from thenceforth to be discredited and disabled for ever to be sworn in any of the courts of record aforesaid, until such time as the judgment shall be reversed, and thereupon to recover his damages in manner and form before mentioned:

VIII. The one moiety of all which sums of money, goods and chattels, to be forfeited in manner and form aforesaid, to be to the Queen our sovereign lady, her heirs and successors, and the other moiety to such person or persons as shall be grieved, hindered or molested by reason of any the offence or offences before mentioned, that will sue for the same by action of debt, bill, plaint, information or otherwise, in any of the Queen's majesty's courts of record, in the which no wager of law, essoin, protection or injunction to be allowed.

Who shall have the forfeitures, and by what means.

IX. And be it also enacted by the authority aforesaid, That as well the judge and judges of every such of the said courts where any such suit is or shall be, and whereupon any such perjury is or shall happen to be committed, as also the justices of assizes and gaol-delivery in their several circuits, and the justices of the peace in every county within this realm or in *Wales*, at their quarter-sessions, both within the liberties and without, shall have full power and authority by virtue hereof to enquire of all and every the defaults and offences perpetrated, committed or done contrary to this act, by inquisition, presentment, bill or information before them exhibited, or otherwise lawfully to hear and determine the same, and thereupon to give judgment, award process and execution of the same, according to the course of the laws of this realm.

Who shall have authority to hear and determine the offences aforesaid.
Cro. El. 105,
147, 148, 267,
428.
Cro. Jac. 120,
133.

X. And be it further enacted by the authority aforesaid, That the justices of assize of every circuit within this realm, and elsewhere within the Queen's dominions, shall in every county within their circuits, twice in the year, that is to say, in the time of their sittings, make open proclamation of this statute or of the effect thereof, to the intent no person or persons shall be ignorant or misconstruant of the penalties herein contained.

This statute shall be proclaimed at all assizes.

XI. Pro-

This act shall not extend to any court ecclesiastical.
Kel. 39.

XI. Provided also, That this act, nor any thing therein contained, shall not extend to any spiritual or ecclesiastical court or courts within this realm of *England* or *Wales*, or the marches of the same; but that all and every such offender or offenders as shall offend in form aforesaid, shall and may be punished by such usual and ordinary laws, as heretofore hath been and yet is used and frequented in the said ecclesiastical courts; any thing in this present act contained to the contrary in any wise notwithstanding.

Process served upon witnesses to testify.
1 Leon. 122.
March 18.
Cro. El. 130,
131.

XII. Provided also, and be it further enacted by the authority aforesaid, That if any person or persons, upon whom any process out of any of the courts of record within this realm or *Wales* shall be served to testify or depose concerning any cause or matter depending in any of the same courts, (2) and having tendred unto him or them, according to his or their countenance or calling, such reasonable sums of money for his or their costs and charges, as having regard to the distance of the places is necessary to be allowed in that behalf, (3) do not appear according to the tenor of the said process, having not a lawful and reasonable let or impediment to the contrary; (4) that then the party making default, to lose and forfeit for every such offence ten pounds, and to yield such further recompence to the party grieved, as by the discretion of the judge of the court, out of the which the said process, shall be awarded, according to the loss and hindrance that the party which procured the said process shall sustain, by reason of the non-appearance of the said witness or witnesses; (5) the said several sums to be recovered by the party so grieved against the offender or offenders by action of debt, bill, plaint or information, in any of the Queen's majesty's courts of record, in which no wager of law, essoin or protection to be allowed.

The authority to punish perjury, given by the statute of 11 H. 7. c. 25. saved.

XIII. Provided always, That this act, or any thing therein contained, shall not extend in any wise to restrain the power and authority given by act of parliament made in the time of King *Henry* the Seventh, to the lord chancellor of *England*, and others of the King's council for the time being, to examine and punish riots, routs, heinous perjuries and other offences and misdemeanings; which lord chancellor and others sithence the making of the said act have most commonly used to hear and determine such matters in the court of *Westminster* commonly called the star-chamber; (2) nor to restrain the power or authority of the lord president and council in the marches of *Wales*, or of the lord president and council in the north, nor of any other judge, having absolute power to punish perjury before the making of this estatute; (3) but that they and every of them shall and may proceed in the punishment of all offences heretofore punishable, in such wise as they might have done and used to do before the making of this act, to all purposes, so that they set not upon the offender or offenders less punishment than is contained in this act. (4) This act to continue unto the end of the

23 Geo. 2. c. 11.

the next parliament. *Made perpetual by 29 El. c. 5. and 21 Jac. i. c. 28. sect. 8.*

C A P. X.

An act reviving a statute made anno 21 H. 8. touching servants imbezilling their masters goods.

WHERE in the parliament holden at London the third day of November in the one and twentieth year of the reign of the late King of most famous and worthy memory King Henry the Eighth; and from thence adjourned to Westminster, and there holden and continued by divers prorogations unto the dissolution thereof; it was ordained and enacted among other things, That all and singular servants to whom any caskets, jewels, money, goods or chattels, by his or their master or masters should from thenceforth be delivered to keep, that if any such servant or servants withdraw him or them from their said masters or mistresses, and go away with the said caskets, jewels, money, goods or chattels or any part thereof, to the intent to steal the same, and defraud his or their said masters or mistresses thereof, contrary to the trust and confidence to him or them put by his or their masters or mistresses; or else being in service of his said masters or mistresses, without the assent or commandment of his masters or mistresses, imbezil the same caskets, jewels, money, goods or chattels, or any part thereof, or otherwise convert the same to his own use, with like purpose to steal it, that if the said caskets, jewels, money, goods or chattels that any such servant shall go away with, or which he shall imbezil with purpose to steal it as is aforesaid, be of the value of forty shillings or above: that then the same false, fraudulent and untrue act and demeanor, should from thenceforth be deemed and adjudged felony, and that he or they so offending, should be punished as other felons for felony committed, by the course of the common law, as by the said act, amongst other things therein contained; more at large it doth and may appear:

II. Which said act in the parliament begun and holden at Westminster the fifth day of October in the first year of the reign of the late Queen Mary; and there continued to the one and twentieth day of the same month, that is to say, in the first session of the same parliament, by the general words of one act then and there made, intituled, An act repealing certain treasons, felonies and præmunire, was from thenceforth utterly repealed and made void.

III. And forasmuch as sithence the repeal of the same, the said act is thought necessary for the commonwealth of this realm; (2) be it therefore enacted by our sovereign lady the Queen's majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act made in the one and twentieth year, and every clause, article, branch, sentence and provision therein contained, be from henceforth revived, and put in due execution, according to the intent and meaning thereof, and from thenceforth shall stand good, endure and continue forever. 27 H. 8. c. 17.

1 Mar. Sect. 1.
C. 1.

A reviver of the statute of 21 H. 8. c. 7. whereby it is made felony for a servant to imbezil his master's goods to the value of xl. s. or above.

C A P. XI.

An act against the clipping, washing, rounding and filing of coins.

The clipping, &c. of coins for gain's sake shall be high treason.

3 H. 5. c. 6.
1 Mar. Sess. 1. c. 1.

The prejudices redounding to the Queen and the realm, by clipping, washing, &c. of money.
3 Inst. 17.

WHEREAS the offences of clipping, rounding, washing and filing of monies or coins of this realm, was declared by an act of parliament in the time of King Henry the Fifth to be treason to the King and the realm, and according to the said act, the same offences were and did continue treason until the first year of the reign of Queen Mary, at which time the pains and penalties due for the said offences were abrogated and taken away by the general act of repeal then made; (2) by reason whereof, divers false and evil-disposed persons, perceiving themselves to be loose and free from the severity and danger of the said law and penalty, have been of late the more hardy and bold to attempt and practise, for wicked lucre and gain's sake, to diminish, impair and falsify the monies and coins current within this realm, and the dominions of the same, by such clipping, washing, rounding and filing thereof, not only to the great dishonour of the Queen's majesty our sovereign lady that now is, by whose great goodness the new monies or coins of the same are now reduced to as much fineness as ever hath been in any time of her noble progenitors, but also to the great loss and damage of the good subjects of this realm, and more is like to be hereafter, if the same be not speedily met withal:

The clipping, washing, rounding or filing of current money, shall be adjudged treason. *Enforced by 18 El. c. 1. 6 & 7 W. 3. c. 37. f. 9.*

II. For remedy whereof, Be it enacted, declared and established by the authority of this present parliament, That from and after the first day of *May* next coming, clipping, washing, rounding or filing for wicked lucre or gain's sake, of any the proper monies or coins of this realm or the dominions thereof, or of the monies or coins of any other realm allowed and suffered to be current within this realm or the dominions thereof, at this present, or that hereafter at any time shall be the lawful monies or coins of this realm, or of the dominions thereof, or of any other realm and by proclamation allowed and suffered to be current here by the Queen's majesty, her heirs and successors, shall be taken, deemed and adjudged by virtue of this act to be treason; (2) and the offenders therein, their counsellors, consenters and aiders, shall be, from and after the same first day of *May*, taken, deemed and adjudged as offenders in treason, and being thereof lawfully convicted or attainted according to the order and course of the laws of this realm, shall suffer pains of death, and lose and forfeit all his and their goods and chattels; (3) and also shall lose and forfeit all his and their lands and tenements, during his or their natural life or lives only.

Dyer 230.

They who have forfeitures of lands or goods by grant, shall in this case enjoy them.

III. And be it further enacted by the authority aforesaid, That all and every person and persons which have any lawful grant to have and enjoy the forfeiture of lands, tenements, goods or chattels of offenders and men attainted in high treason, within any manor, lordship, town, parish, hundred or other precinct within this realm of *England* or *Wales*, shall and may at all

all times hereafter have like liberty to take, seize and enjoy all such forfeitures of lands, tenements, goods and chattels, as shall come or grow within their liberties, by force of the attainder of any person or persons, for and upon any offence or offences made treason by this act, as they or any of them should, ought or might have, by virtue of any good and lawful grant to them or any of them heretofore had or made.

IV. Provided always, and be it enacted by the authority aforesaid, That this act, nor any thing therein contained, nor any attainder or attainders of any person or persons for any offence or offences made treason by this act, shall in any wise extend or be judged, interpreted or expounded, to make any corruption of blood, to any the heir or heirs of any such offender or offenders, or to make the wife of any such offender to lose or forfeit her dower of or in any lands, tenements or hereditaments, or her title, action or interest in the same; any thing in this act contained, or any attainder or attainders hereafter to be had for any offence or offences made treason by this act, to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That if any of the lords of the parliament, or peer of this realm for the time being, shall fortune at any time hereafter to be indicted of any offence made treason by this act; that then they and every of them shall have his or their trial by their peers, as hath been used heretofore in cases of high treason.

These offences make no corruption of blood or forfeiture of dower.

Trial of a peer by peers.

C A P. XII.

An act touching badgers of corn, and drovers of cattle to be licenced.

WHERE in the session of parliament holden upon prorogation at Westminster the three and twentieth day of January in the fifth year of the reign of our late sovereign lord King Edward the Sixth, amongst other things it was enacted, That whatsoever person or persons after the first day of May then next ensuing shall engross or get into his or their hands, by buying, contracting or promise-taking (other than by demise, grant, or lease of land or tithes) any corn growing in the fields, or any other corn or grain, butter, cheese, fish or other dead victuals whatsoever, within the realm of England, to the intent to sell the same again, shall be accepted, reputed and taken an unlawful engrosser or engrossers; (2) with a proviso and ordinance contained in the same act, that it should be lawful to every person or persons being a common badger, lader, kيدر or carrier, which shall be licenced, assigned or allowed thereunto by three justices of the peace of the county where the said badger, lader, kيدر or carrier shall dwell, which shall sell or deliver in open fair or market, or to any other victualler, or to any other person or persons for the provision of his or their house or houses, all such corn, fish, butter or cheese, as any such person or persons shall buy or cause to be bought, and that within one month next after he or they shall so buy any such corn, grain, butter or cheese, so that the same shall be bought without forestalling,

Who shall be counted an ingrosser by the statute of 5 & 6 Ed. 6. c. 14.

A proviso for a badger, carrier, &c. licenced.

shall not be in any wise deemed, adjudged or taken any offence contrary to the said act.

A proviso for a drover of cattle, or for buying of corn to be transported from one port to another.

II. And where also it is provided and enacted by the same act of parliament, That it shall be lawful to all and every person and persons known for a common drover or drovers, being licenced, authorised and allowed in writing by three justices of peace, whereof one to be of the Quorum, of the county or counties where the same drover or drovers shall be most abiding and dwelling, to buy cattle in such shires or counties where drovers have been wont in times past accustomedly to buy cattle, at their free liberty and pleasure, and to sell the same again; (2) and that it shall be lawful to every person and persons which shall be assigned and allowed by three justices of the peace of the county where he shall dwell, to buy (otherwise than by forestalling) corn, grain or cattle, to be transported or carried by water from any port or place within this realm or Wales, unto any other port or place within the said realm or dominions, as in the said act, amongst other things, doth appear :

The inconveniencies ensuing the number of drovers of cattle, and badgers, &c. of corn and other victuals.

III. Since the making of which act, such a great number of persons seeking only to live easily, and to leave their honest labour, have and do daily seek to be allowed and licenced to the said offices or doings, being most unfit and unmeet for those purposes, and also very hurtful to the commonwealth of this realm, as well by the inhauncing of the prices of corn and grain, and other the said victuals, as also by the diminishing of the number of good and necessary husbandmen; which said number of drovers of cattle, and badgers, laders, kidders and carriers of corn and grain, are many times without good orders, and due consideration, assigned and allowed thereunto, to the great prejudice of the commonwealth :

To what kind of persons, and at what places only, licence shall be granted to be badgers, drovers, &c. Savil. 58.

IV. In consideration whereof, Be it enacted by the Queen our sovereign lady, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no drover of cattle, badger, lader, kiddier, carrier, buyer or transporter of corn or grain, butter and cheese, be from and after the feast of Easter next after the first day of this present parliament, licenced, admitted, assigned or allowed to those offices or doings, or to any of them, but only in the general and open quarter-sessions of the peace, to be holden in the shire where such person or persons so to be admitted, assigned or allowed, doth or shall dwell, and hath or shall have dwelled there by the space of three years next before the teste of his said licence. (2) And that no person or persons after the first day of May next coming be admitted to the said offices or doings, or to any of them, but such only as be or have been married men, and shall be, at the time of such licence to be granted, householders, and not household servants, nor retainers to any person or persons, and of the age of thirty years at the least: (3) and that all licences being made and granted as is abovesaid, shall have continuance and be good only for one year next after the date thereof, and for no more nor longer time.

The date of

V. Which said licences, and every of them, shall bear date of

of the day and place where the said sessions shall be holden, and shall be signed and sealed with the proper hands and seals of three of the said justices of the peace, being present at the same sessions, at the least; whereof one to be of the *quorum*; (2) upon pain that every person or persons that shall take any licence contrary to this ordinance, to lose and forfeit to our sovereign lady the Queen, her heirs and successors, five pounds sterling: (3) and that all licences made and granted, or hereafter to be made and granted, otherwise than is before expressed, shall from and after the said first day of *May* next coming be void and of none effect.

the licences,
and the justi-
ces hands and
seals.

VI. And further, Be it enacted by the authority aforesaid, That the justices of the peace in the said general and open sessions, shall or may by their discretions take bond and surety from time to time by recognizance, of such as shall be admitted or allowed hereafter a common drover of cattle, badger, lader, kidder, carrier or buyer of corn, grain, butter or cheese, that they nor any of them shall by colour of his or their licence forestal or ingross, or otherwise practise or do any act or thing contrary to the tenor and true meaning or in defrauding the said former statute, or of any matter or thing therein contained: (2) all which licences, and every of them, and the said recognizances, shall be made and written by the clerk of the peace of every county where such licence shall be granted, or by his lawful deputy, and by none other person or persons: (3) and every person that shall have any such licence shall pay to the clerk of the peace, or his deputy, for making thereof, twelve pence at the most; and for every recognizance in form aforesaid to be made and acknowledged, eight pence at the most; and for registering of the same licence and recognizance, four pence at the most: (4) for which said fee, the said clerk, or his deputy, shall have and keep one register-book, and therein shall register and write all the names, surnames, and dwelling-places of such as shall be licenced as aforesaid, with a brief declaration or entry of the said licence, and of the day, time and place where such licence or licences shall be granted: (5) which book or register the said clerk of the peace, or his deputy, shall have and bring to every sessions, to the intent that it may appear what number of licences be and shall be from time to time granted, whereby the better consideration may be had thereof.

Bonds with
sureties shall
be taken of
drovers, car-
riers, &c. not
to infringe
this act.

The fees of
the clerk of
the peace.

VII. Provided always, and be it further enacted by the authority aforesaid, That no person or persons shall or may by authority of any such licence above-mentioned buy any corn or grain out of open fair or market to sell again, unless such person and persons shall be thereunto licenced, and shall have special and express words contained in such licence or licences, that he or they may so do; upon pain to forfeit for every such time that any such person or persons shall do to the contrary, five pounds; (3) the moiety of which forfeitures afore rehearsed, shall be to the Queen our sovereign lady, her heirs and successors, and the other moiety to him or them that will sue for the same in any

None shall buy
corn to sell a-
gain without
special li-
cence,

Who shall
have the for-
feitures.

of the Queen's courts of record, by bill, plaint, action of debt or information, in the which bill, plaint, action or information, no wager of law, essoin or protection shall be admitted.

Justices of peace in their sessions shall enquire of, and determine these offences.

VIII. Be it also enacted by the authority aforesaid, That the justices of peace in every county within this realm or *Wales*, at the quarter-sessions, shall have full power and authority by virtue of this act, to enquire, hear and determine all and every the defaults and offences perpetrated, committed or done contrary to this act, within the county where any such sessions shall be kept, by inquisition, presentment, bill or information before them exhibited, and by examination of two lawful witnesses, or by any of the same ways or means, by the discretion of the said justices, and to make process thereupon, as though they were indicted before them by inquisition, or by verdict of twelve men or more: (2) and upon the conviction of the offender, by information or suit of any other than the Queen, to make extracts of the moiety of the forfeitures to be levied to the Queen's use, as they use to do of other fines and amerciaments grown in the sessions of peace, and to award execution of the other moiety for the complainant or informer against the offender, by *feri facias* or *capias*, as the Queen's justices at *Westminster* may do and use to do; (3) and if any such conviction or attainder shall hereafter happen to be at the Queen's suit only, that then the whole forfeitures to be extracted and levied to the Queen's use only.

A city, &c. may appoint purveyors for their provision.

IX. Provided always, That this act, or any thing therein contained, shall not in any wise extend to the prejudice of the liberty of any city or town corporate, but that they and every of them shall and may lawfully assign and licence purveyors for the provision of the same city or town corporate, in such manner and form as they might lawfully have done before the making of this act.

To the inhabitants of which counties this statute doth not extend,

X. Provided further, That this act, nor any thing therein contained, shall be in any wise hurtful or prejudicial unto any the inhabitants within the counties of *Westmorland*, *Cumberland*, *Lancaster*, *Chester* and *York*, or any of them, but that they may do as heretofore they have lawfully used to do; any thing in this present act to the contrary notwithstanding. 13 *Eliz. c. 25.*

CAP. XIII.

An act for the continuance of the statute made 2 & 3 P. & M. for the amendment of highways.

Explained and farther provided for by 18 *El. c. 10.* The statute of 2 & 3 *Ph. & M. c. 8.* touching amending of highways, continued, and the au-

WHERE in the parliament holden at *Westminster* in the second and third years of the reigns of the late princes King Philip and Queen Mary, amongst other good acts then had and made, one necessary statute was provided and established for the amendment and reparation of the highways within this realm; which act was made to endure and continue for seven years, and after the expiration of the said seven years, till the end of the parliament then next ensuing, as by the same statute more plainly appeareth; which seven years, so farasmuch as they be now expired and ended, and the said act is very

be-

beneficial, and most necessary to be continued for the ease and commonweal of the people of this land; (2) Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this parliament assembled, and by the authority thereof, That the said act made in the said second and third years of the reign of King Philip and Queen Mary, touching and concerning the reparation and amendment of the highways, and every article and branch of the same, shall from henceforth be, stand and continue in full force, effect and strength, for and during the term of twenty years next following from and after the beginning of this present parliament, and after the expiration of the said twenty years, to the end of the parliament then next after the end of the said twenty years to be holden and kept.

II. *And forasmuch as the said statute made in the second and third years of King Philip and Queen Mary, in divers parts of this realm serveth not to so good purpose and effect as it may be made, for that such substance and matter as is most fit and convenient for the reparations of the said ways, cannot be lawfully had, fetched and taken out of the several grounds and soil thereunto nigh or adjoining, being no great loss or detriment to the owners of the same several grounds and soil, whereby the amendment of the said ways is little increased, or else of very small and slender continuance, to the great and continual charge and trouble of the poor people inhabiting thereabouts :*

III. For reformation whereof, and that the reparations of the said highways may hereafter in good due manner well and sufficiently be made; (2) be it further by the authority of this present parliament enacted, That from henceforth it shall and may be lawful to all and every supervisor and supervisors, and orders of the works for the time being, for the amendment of the said highways, thereunto elected and appointed according to the statute made in the second and third years of King Philip and Queen Mary, for the better reparation and amendment of the ways within their several parishes and limits where they shall be so made supervisors (if it shall be so to them thought necessary) to take or carry away of the rubbish or smallest broken stones of any quarry or quarries lying and being within the parish where they shall be supervisors, without licence, controlment or impeachment of the owner or owners, so much as by their discretions shall be deemed and adjudged necessary for the amendment of the said ways: (3) and that for default of any quarry or quarries not being within their said parish or limits, or in default of rubbish not to be found in any such quarry or quarries, it shall and may be lawful to every such supervisor or supervisors, for the use aforesaid, in the several grounds of any person or persons being within the parish and limits where they shall be supervisors, and nigh adjoining to the way or ways wherein such reparations shall be thought necessary to be made, and wherein gravel, sand or cinders is likely to be found, to dig or cause to be digged for gravel, sand or cinders, and likewise to gather stones lying upon any lands or grounds within

thorities of supervisors of highways enlarged.
2 & 3 Ph. & M.
c. 8.

The supervisors may take rubbish in other men's grounds for the mending of ways.

the parish, and meet to be used for such service and purpose, and thereof to take and carry away so much as by the discretion of the said supervisors shall be thought necessary to be employed in the amendment of the said highways.

What rubbish supervisors may not dig, nor in what places.

IV. Provided always, That it shall not be lawful to any such supervisor or supervisors by virtue of this act, to cause any rubbish to be digged out of any quarry or quarries, but only shall extend to such rubbish as shall be found there ready digged by the owner or owners of the said quarry or quarries, or otherwise by his or their licence and commandment; (2) nor shall not extend or give authority to any supervisor or supervisors to dig or cause to be digged any gravel, sand or cinders, in the house, garden, orchard or meadow of any person or persons; (3) nor that it shall be lawful by this act to any such supervisor or supervisors, to cause any more pits to be digged for gravel in any several and inclosed ground than one only; and that the same pit or hole so digged for gravel as is aforesaid shall not in any way be in breadth or length above ten yards over at the most; (4) And that every such supervisor as shall cause any such pit to be made and digged for gravel, sand or cinders, as is aforesaid, shall within one month next after any such digging or pit made, cause the same to be filled and stopped up with earth, at the costs and charges of the parishioners; (5) upon pain to forfeit to the owner or owners of the soil wherein any such pit shall be made and digged, for every default five marks, to be recovered by action of debt, as in other like cases of debt hath been accustomed.

A supervisor shall cause a pit digged for gravel, &c. to be stopped up again.

V. *And forasmuch as the highways in sundry places of this realm be full of continual springs and water-courses, by continual increase and sinking whereof into the ground, the said ways are not only very deep and dangerous, but also for the most part impossible to be amended and repaired in any good and sufficient manner, without some further remedy provided for the same.*

Turning of a water-course into another's ground.

VI. Be it therefore by the authority aforesaid further enacted, That from henceforth every such supervisor and supervisors, as is aforesaid, shall by force of this act, within the parish or limits where he or they shall be supervisors, have full power and authority to turn any such water-course or spring of water, being in any of the said highways, into any ditch or ditches of the several ground or soil of any person or persons whatsoever next adjoining to the said ways, in such manner and form as by the discretions of the said supervisors shall be thought meetest and most convenient.

Fences and ditches near the ways shall be repaired, and the woods cut down.

VII. And be it further enacted by the authority aforesaid, That the heyes, fences, dikes or hedges next adjoining on either side to any high or common fairing way, shall from time to time be diked, scoured, repaired and kept low, and all trees and bushes growing in the highways, cut down by the owner or owners of the ground or soil which shall be inclosed with the said heyes, fences, dikes or hedges aforesaid, whereby the said ways may be open, and the people have more ready and easy passage

passage in the same: (2) And whereas in the said statute made in the said second and third years of the reign of the said King *Philip* and Queen *Mary*, there are but four days yearly appointed for the reparations and amendment of the said highways:

(3) Be it further by this present parliament enacted, That from henceforth there shall be yearly six days, during the time and force of this estatute, observed, used and employed in reparation and amendment of the said highways, in like manner and form as the said four days were limited and appointed to be observed and kept by the said estatute made in the said second and third years of King *Philip* and Queen *Mary*.

Six days appointed for the amending of highways. 2 & 3 Ph. & M. c. 8.

VIII. And be it further enacted by the authority aforesaid, That from henceforth all and every such supervisor and supervisors for the time being, within one month next after default or offence made, done or committed by any person or persons, contrary to the provision, purport and true meaning of the said estatute made in the second and third years of King *Philip* and Queen *Mary*, or contrary to the provision, purport and true meaning of this present act, shall present every such default or offence to the next justice of peace for the time being; (2) upon pain to forfeit for every such default or offence, in such sort not by them presented, forty shillings: (3) And that every such justice of peace, to whom any such default or offence shall be presented as is aforesaid, shall certify the same presentment so to him made, at the next general sessions within the said county then next after to be holden; (4) upon pain to forfeit for not certifying of every such presentment of every such default or offence, as is aforesaid, five pounds: (5) And that the justices of peace of every county where the said defaults or offences shall be committed, shall immediately have authority to enquire of any such default or offence committed within the limits of their commission, at every their quarter-sessions, and to assess such fines for the same, as they or two of them, whereof one to be of the *quorum*, shall think meet.

The supervisors shall present every offence to the next justice.

Certificate of every offence presented at the next sessions.

IX. And be it further enacted by the authority aforesaid, That every justice of peace shall have authority by this statute, upon his own proper knowledge, in the open general sessions, to make presentment of any highway not well and sufficiently repaired and amended, or of any other default or offence committed and done within the county and limits of his commission, contrary to the provision and intent of this statute, or the said statute made in the second and third years of King *Philip* and Queen *Mary*: (2) And that every such presentment made by any such justice of peace upon his own knowledge, as is aforesaid, shall be as good, and of the same force, strength and effect in the law, as if the same had been presented, found and adjudged by the oath of twelve men: (3) And that for every such default so presented, as is aforesaid, the justices of the peace of the said county shall immediately, at the said general sessions, have authority to assess such fines as to them, or two of them, whereof the one to be of the *quorum*, shall be thought

Every justice of peace may present defaults upon his own knowledge.

Further provided for by 3 & 4 W. & M. c. 12. f. 14.

Assessing of fines for defaults.

meet:

Traverse to a presentment.

meet: (4) Saving to every person and persons that shall be touched by any such presentment, to have his or their lawful traverse to the same presentment, as they might have upon any indictment of trespass or forcible entry, by the laws of this realm, before the making of this estatute.

Estreating and levying of the fines and amerciaments.

X. And that all such fines, forfeitures and amerciaments to be assessed by the said justices of the peace at their general sessions in any the cases aforesaid, shall be estreated by the clerk of the peace of the said county, and shall be levied in such manner and form, and employed to such uses and intents, as in the said statute made in the second and third years of King Philip and Queen Mary is limited and appointed. (2) This act to continue for twenty years next after the beginning of this present parliament, and from thence until the end of the parliament then next after to be holden. 18 El. c. 10. 27 El. c. 24. made perpetual by 29 El. c. 5.

C A P. XIV.

An act against forgers of false deeds and writings.

The several penalties for forging of deeds the first or second time, &c.

Townsend's table 35.

The mildness of the law hath increased the forging of deeds.

3 Inst. 103, 169.

13 Co. 34, 35.

FOrasmuch as the wicked, pernicious and dangerous practice of making, forging and publishing false and untrue charters, evidences, deeds and writings, hath of late time been very much more practised, used and put in ure in all parts of this realm, than in times passed, not only to the high displeasure of God, but also to the great injury, wrong, hurt, damage, disherison and utter undoing of divers the Queen's majesty's subjects of this realm, and to the great subversion of justice and truth, (2) which seemeth to have grown and happened chiefly by reason that the pains and punishments limited for such great and notable offences, by the laws and statutes of this realm, before this time have been and yet are so small, mild and easy, that such evil people have not been nor yet are afraid to enterprize the practising and doing of such offences:

II. Be it therefore enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That if any person or persons whatsoever, after the first day of June now next coming, upon his or their own head and imagination, or by false conspiracy and fraud with others, shall wittingly, subtilly and falsly forge or make, or subtilly cause or wittingly assent to be forged or made, any false deed, charter or writing sealed, court-roll, or the will of any person or persons in writing, (2) to the intent that the state of freehold or inheritance of any person or persons, of, in or to any lands, tenements or hereditaments, freehold or copyhold, or the right, title or interest of any person or persons, of, in or to the same, or any of them, shall or may be molested, troubled, defeated, recovered or charged; (3) or after the said first day of June shall pronounce, publish or shew forth in evidence, any such false and forged deed, charter, writing, court-roll or will, as true, knowing the same to be false and forged, as is aforesaid, to the intent above remembered, (4) and shall

Made felony by 2 Geo. 2. c. 25. & 9 G. 2. c. 18.

Dyer 288, 302, 322.

shall be thereof convicted, either upon action or actions of Raft. 359.
 forger of false deeds, to be founded upon this statute, at the
 suit of the party grieved, or otherwise according to the order
 and due course of the laws of this realm, or upon bill or in-
 formation to be exhibited into the court of the star-chamber,
 according to the order and use of that court, (5) shall pay un-
 to the party grieved his double costs and damages to be found or
 assessed in that court where such conviction shall be, (6) and al-
 so shall be set upon the pillory in some open market-town, or
 other open place, and there to have both his ears cut off, and
 also his nostrils to be slit and cut, and seared with a hot iron,
 so as they may remain for a perpetual note or mark of his false-
 hood, (7) and shall forfeit to the Queen our sovereign lady, her
 heirs and successors, the whole issues and profits of his lands
 and tenements during his life, (8) and also shall suffer and
 have perpetual imprisonment during his life; (9) the said da-
 mages and costs to be recovered at the suit of the party grieved
 as is afore said, to be first paid and levied of the goods and
 chattels of the offender, and of the issues and profits of the
 said lands, tenements and hereditaments of such party con-
 victed or of one or both of them; the said title of our said
 sovereign lady the Queen, her heirs or successors, to the same
 notwithstanding.

The penalty
 for forging or
 publishing of
 a false deed,
 whereby ano-
 ther's freehold
 shall be trou-
 bled.

III. And be it further enacted by the authority afore said, Forging of a
 That if any person or persons after the said first day of June, upon deed, whereby
 his or their own head or imagination, or by false conspiracy a lease or an-
 or fraud had with any other, shall wittingly, subtilly and falsely nuity may be
 forge or make, or wittingly, subtilly and falsely cause or assent claimed.
 to be made and forged, any false charter, deed or writing, (2) to
 the intent that any person or persons shall or may have or claim
 any estate or interest for term of years, of, in or to any manors,
 lands, tenements or hereditaments, not being copyhold, or any
 annuity in fee-simple, fee-tail or for term of life, lives or years;
 (3) or after the said day shall as is afore said forge, make or cause
 or assent to be made or forged, any obligation or bill obligatory, Forging of an
 or any acquittance, release or other discharge of any debt, ac- obligation, ac-
 compt, action, suit, demand or other things personal; (4) or quittance, re-
 if any person or persons after the said first day of June shall pro- lease, &c.
 nounce, publish or give in evidence, any such false and forged Godbolt 62.
 charter, deed, writing, obligation, bill obligatory, acquittance, pl. 75.
 release or discharge, as true, knowing the same to be false and 2 Brownl. 49.
 forged, (5) and shall be thereof convicted by any the ways or 1 Lutw. 190.
 means afore said: That then he shall pay unto the party grieved his
 double costs and damages, to be found and assessed in such court
 where the said conviction shall be had, (6) and shall be also set
 upon the pillory in some open market-town or other open
 place, and there to have one of his ears cut off, (7) and shall
 also have and suffer imprisonment by the space of one whole
 year, without bail or mainprise.

IV. And be it further enacted by the authority afore said, The several re-
 That the party and parties grieved by reason of any the offences medies of the
 afore said, party grieved

against the offender.

aforsaid, shall and may, at his and their pleasure, have and sue his action of forger of false deeds upon this statute, against any the offenders in the same, by original writ out of the Queen's highness court of chancery, and shall and may have like process upon the same, as in cases of trespass at the common law; (2) or may at his pleasure take his suit against any such offenders in any the premisses, by bill before the Queen's highness, her heirs and successors, in her court commonly called the King's bench, or in the court of the exchequer; in which suits no essoin, injunction or protection shall be allowed for the party defendant.

He that is once punished for an offence shall not after be impeached for the same.

V. And be it further enacted by the authority aforesaid, That if the party defendant shall be convicted for any the offences aforesaid, according to the order and form above limited, and shall have received thereupon punishment corporal according to this act; that then he shall not estfoons be impeached for the same offence.

The plaintiff's release shall discharge only his own remedy.

VI. And be it further enacted by the authority aforesaid, That although the party or parties plaintiff in any such action or bill to be sued, as is aforesaid, shall after verdict passed against the defendant or defendants, happen to release or discharge the judgment or execution upon the same, or otherwise suffer the same to be discontinued: That yet nevertheless the same release, discharge or discontinuance, shall extend only to discharge such costs and damages as the same plaintiff should have had against the defendant; (2) and that the judges before whom the said action or suit shall be taken, shall and may proceed to judgment of and upon the residue of the said penalties and forfeitures, and to command execution upon the same; the said release, discontinuance, or other discharge had, made, done or suffered by the party plaintiff, in any wise notwithstanding; this act or any thing therein contained to the contrary in any wise notwithstanding.

The second offence, felony.

VII. And be it further enacted by the authority aforesaid, That if any person or persons, being hereafter convicted or condemned of any the offences aforesaid, by any the ways or means above limited, shall after any such his or their conviction or condemnation estfoons commit or perpetrate any of the said offences in form aforesaid; that then every such second offence or offences shall be adjudged felony; (2) and the parties being thereof convicted or attainted according to the laws of this realm, shall suffer such pains of death, loss and forfeiture of their goods, chattels, lands and tenements, as in cases of felony by the common laws of this realm ought to be lost or forfeited, (3) without having any advantage or benefit of clergy or sanctuary: (4) Saving to every person and persons, bodies politick and corporate, their heirs and successors, other than the said offenders, and such as claim to their uses, all such rights, titles, interests, possessions, liberties of distresses, leases, rents, reversions, offices and other profits and advantages, which they or any of them shall have at the time of such conviction or attaint;

tainer, of, in or to any the lands, tenements or hereditaments of any such person so as is aforesaid convicted or attainted, or at any time before, in as large and as ample manner, to all intents and purposes, as if this act had never been had ne made.

VIII. Provided always, and be it enacted by the authority aforesaid, That any such conviction or attainder of felony, as is aforesaid, or any forfeiture by reason of the same, shall not in any wise extend to take away the dower of the wife of any such person attainted, nor to the corruption of blood, or disherison of any the heir or heirs of any such person or persons so attainted; this act, or any thing therein contained, or any other statute, law, usage, custom or thing heretofore used to the contrary in any wise notwithstanding.

IX. Provided also, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to charge any ordinary, or any their commissaries, officials, registers or any other their officers or ministers, with any the offences aforesaid, for putting their seal of office to any will to be exhibited unto them, not knowing the same to be false or forged, or for writing of the said will or probate of the same; this act or any thing therein contained to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That all and every justices of *oyer and determiner*, and justices of assize in their circuits and every of them, shall have full power and authority in every of their open and general sessions, to enquire, hear and determine of all and every the offences aforesaid committed or done within the limits of their commission and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

XI. And be it farther enacted by the authority aforesaid, That all other statutes heretofore made and provided for forgery of false deeds, charters, muniments or writings, and all and every penalty appointed by the same, shall from and after the said first day of *June* be void and of none effect in the law; any such statute or thing therein contained to the contrary in any wise notwithstanding.

XII. Provided always, That this act, or any thing therein contained, shall not extend or be hurtful in any wise to any proctor, advocate or register of any ecclesiastical court within this realm, for the writing, setting forth or pleading of any proxy made according to the ecclesiastical laws or customs heretofore used and allowed by the ecclesiastical courts of this realm, for the appearance of any person or persons, being cited to appear in any of the said courts ecclesiastical, nor to any archdeacon or official, for putting their authentick seal to the said proxy or proxies, neither yet to any judge ecclesiastical for admitting of the same: (2) But that they and every of them may hereafter do in all points concerning the same, as they and every of them

There shall be no forfeiture of dower or corruption of blood for this felony.

Officials or registers putting a seal to a will,

Which justices may hear and determine these offences.
9 Co. 118.
Cro. El. 87.
601.

A repeal of all other statutes made against forgery.
1 H. 5. c. 3.
7 H. 5.

To what persons this statute shall not extend.

might lawfully have done before the making of this act; any thing in this act to the contrary in any wise notwithstanding.

Forging of deeds before this statute, or presently after.

XIII. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons whatsoever, that hath of his or their own head, or by false conspiracy and fraud with any other, wittingly, subtilly and falsly forged or made, (2) or shall before the said first day of *June* forge and make any false deed, charter or writing sealed, or the will of any person in writing, or any court-roll, to the intent that the estate of freehold or inheritance, or the right, title or interest of inheritance or freehold of any person or persons, of, in or to any manors, lands, tenements or hereditaments, being freehold or copyhold, (3) or that by any such forged deed, charter, court-roll or writing, before the said first day of *June* shall or may be molested, troubled or defeated of any the said estates of any lands, tenements or hereditaments, being freehold or copyhold: (4) Or if any person or persons have heretofore published or shewed forth in evidence, or before the said first day shall publish or shew in evidence for the proof of any title, any false or forged deed, charter, writing, will or court-roll, as true, knowing the same to be false and forged as is aforesaid, to the intent above remembred, (5) and shall be thereof attainted or convicted, according to the order of the laws of this realm, either in an action of forger of false *faits*, or in an action upon the case at the suit of the party grieved, his heirs, executors, or assigns, that then the party so convicted shall pay and yield damages, and costs of suit to the plaintiff, as shall be assessed according to the order of the laws of this realm in any such like action or suit, (6) and shall suffer imprisonment and pay fine and ransom at the pleasure of the Queen's majesty, her heirs and successors.

The penalty for pleading or publishing a forged deed made before this statute or shortly after.

XIV. And if any person or persons shall after the said first day of *June* plead, publish or shew forth in evidence or otherwise, for the proof of any title, any false and forged deed, charter, writing, will or court-roll, heretofore falsly made and forged, or to be falsly made and forged before the said first day of *June*, as true, knowing the same to be false and forged, (2) to the intent to have or claim thereby any estate of inheritance, freehold, or lease of years, in or to any manors, lands, tenements or hereditaments, or any annuity, rent or profit, forth of any manors, lands, tenements or hereditaments; (3) or to the intent to alter, defeat, molest, trouble, charge or recover the estate of inheritance, freehold, or for years, of any person in any manors, lands, tenements, rents or hereditaments; (4) That then every person and persons that shall so offend, and shall be thereof convicted in form first above-remembred, shall pay unto the party grieved, double costs and damages; (5) and shall have imprisonment, los of ears, sitting and fearing of nose, and forfeiture of lands, in the same manner and form as above is limited for any person that shall offend by forging or publishing of

of any false deed or writing as is aforesaid, after the aforesaid first day of *June*.

XV. Provided always, and be it enacted by the authority aforesaid, That this act, nor any pain, forfeiture or thing therein contained, shall not extend to any attorney, lawyer or counsellor that shall for his client plead, shew forth or give in evidence any false and forged deed, charter, will, court-roll or other writing, for true or good, being not party or privy to the forging of the same, for the pleading, shewing forth or giving in evidence of the same; any thing in this act to the contrary notwithstanding.

A lawyer or attorney pleading a forged deed.

XVI. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to any person or persons that shall plead or shew forth any deed or writing exemplified under the great seal of *England*, or under the seal of any other authentick court of this realm; (2) nor shall extend to any judge or justice, or other person, that shall cause any seal of any court to be set to any such deed, charter or writing inrolled, not knowing the same to be false or forged; any thing in this act to the contrary notwithstanding.

Pleading a writing exemplified or setting a seal to the same.

CAP. XV.

An act against fond and fantastical prophecies.

As much as sithence the expiration and ending of the statute made in the time of King Edward the Sixth, intituled, An act against fond and fantastical prophecies, divers evil disposed persons, inclined to the stirring and moving of factions, seditions and rebellions within this realm, have been the more bold to attempt the like practices in feigning, imagining, inventing and publishing of such fond and fantastical prophecies, as well concerning the Queen's majesty, as divers honourable personages, gentlemen and others of this realm, as was used and practised before the making of the said statute, to the great disquiet, trouble and peril of the Queen's majesty, and of this her realm:

Penalty for publishing any false and fantastical prophecy upon arms, fields, badges, &c. 3 & 4 Ed. 6. c. 15. 33 H. 8. c. 14.

II. For remedy whereof, be it ordained and enacted by the authority of this present parliament, That if any person and persons after the first day of *May* next coming do advisedly and directly advance, publish and set forth by writing, printing, signing or any other open speech or deed, to any person or persons, any fond, fantastical or false prophecy, upon or by the occasion of any arms, fields, beasts, badges or such other like things accustomed in arms, cognizances or signets, or upon or by reason of any time, year or day, name, bloodshed or war, (2) to the intent thereby to make any rebellion, insurrection, dissension, loss of life, or other disturbance within this realm and other the Queen's dominions: (3) That then every such person being thereof lawfully convicted according to the due course of the laws of this realm, for every such offence shall suffer imprisonment of his body by the space of one year, without bail or mainprise, and shall forfeit for every such offence the sum of ten pounds,

The penalty for publishing of any fantastical prophecy upon arms, &c. to make insurrection, &c.

The penalty
for the second
offence.

III. And if any such offender do after such conviction estoons offend in any of the premises, and be thereof lawfully convicted, as is aforesaid; that then every such offender shall for his second offence and conviction, as is aforesaid, suffer imprisonment of his body without bail or mainprise during his life, and shall forfeit all his goods and chattels reals and personals: (2) The moieties of every which forfeitures shall be to the Queen's highness, her heirs and successors, and the other moieties thereof to him that shall or will sue for the same in any of the Queen's courts of record, by action, bill, plaint or information; in which case no esloin, wager of law or protection shall be allowed or admitted.

What justices
may hear and
determine the
offences aforesaid.

IV. And be it further enacted by the authority aforesaid; That all and every justice of assise, justice of oyer and determiner, and justice of peace, shall have full power and authority by virtue hereof, to enquire, hear and determine all and every offence or offences aforesaid, committed or done within the limits of their commission, contrary to the tenor and meaning of this act.

Within what
time an of-
fender must be
accused.

V. Provided always, and be it enacted by the authority aforesaid, That no person or persons shall at any time hereafter be impeached for any offence hereafter to be committed or done contrary to this act, unless he be thereof impeached or accused within six months next ensuing any such offence by him or them committed or done.

CAP. XVI.

The several penalties of conjuration, or invocation of wicked spirits, and witchcraft, enchantment, charm or sorcery. 33 H. 8. c. 8. 1 Ed. 6. c. 12. Repealed by 1 Jac. 1. c. 12. 9 Geo. 2. c. 5.

CAP. XVII.

An act for the punishment of the vice of buggery.

The statute of
25 H. 8. c. 6.
whereby the
committing of
buggery with
mankind or
beast is made
felony, re-
vived.
1 M. sess. 1.
c. 1.

WHERE in the parliament begun at London the third day of November in the one and twentieth year of the late King of most famous memory, King Henry the Eighth, and after by prorogation holden at Westminster in the five and twentieth year of the reign of the said late King, there was one act and statute made, intituled, An act for the punishment of the vice of buggery, whereby the said detestable vice was made felony, as in the said statute more at large it doth and may appear: (2) Forasmuch as the said statute concerning the punishment of the said crime and offence of buggery standeth at this present repealed and void by virtue of the statute of repeal made in the first year of the reign of the late Queen Mary: Sithence which repeal so had and made, divers evil disposed persons have been the more bold to commit the said most horrible and detestable vice of buggery aforesaid, to the high displeasure of Almighty God.

II. Be it enacted, ordained and established by the Queen our sovereign lady, and by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled,

sembled, and by the authority of the same, That the said statute before-mentioned made in the five and twentieth year of the said late King *Henry* the Eighth, for the punishment of the said detestable vice of buggery, and every branch, clause, article and sentence therein contained, shall from and after the first day of *June* next coming be revived, and from thenceforth shall stand, remain, and be in full force, strength and effect for ever, in such manner, form and condition, as the same statute was at the day of the death of the said late King *Henry* the Eighth; the said statute of repeal made in the said first year of the said late Queen *Mary*, or any words general or special therein contained, or any other act or acts, thing or things, to the contrary notwithstanding. 2 & 3 Ed. 6. c. 29. Co. Pl. 391.

CAP. XVIII.

An act declaring the authority of the lord keeper of the great seal and the lord chancellor of England to be one.

WHERE some question hath of late risen, whether like place, authority, preheminance, jurisdiction and power doth belong, and of right ought to belong, to the office of the lord keeper of the great seal of England for the time being, as of right doth and ought to belong to the office of the lord chancellor of England for the time being, or not :

II. For declaration whereof, and in avoiding such question hereafter, be it enacted and declared by the Queen our sovereign lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the common law of this realm is, and always was, and ought to be taken, that the keeper of the great seal of *England* for the time being hath always had, used and executed, and of right ought to have, use and execute, and from henceforth may have, perceive, take, use and execute, as of right belonging to the office of the keeper of the great seal of *England* for the time being, the same and like place, authority, preheminance, jurisdiction, execution of laws, and all other customs, commodities and advantages, as the lord chancellor of *England* for the time being lawfully used, had and ought to have, use and execute, as of right belonging to the office of the lord chancellor of *England* for the time being, to all intents, constructions and purposes, and as if the same keeper of the great seal for the time being were lord chancellor of *England*.

The authority of the lord keeper of the great seal, and the lord chancellor, is all one.

4 Inst. 87.

CAP. XIX.

An act to repeal a branch of a statute. made Anno primo Edw. 6. c. 5. touching the conveying of horses out of the realm.

In the statute of 1 Ed. 6. c. 5. touching carrying of horses out of this realm, this branch shall be repealed, viz. (for their only occupation in their journeys, and not to the intent to sell.)

WHERE in the parliament holden at Westminster in the first year of the reign of the late King Edward the Sixth, brother to our sovereign lady the Queen's majesty that now is, amongst divers other statutes, there was one act and statute made against the carrying and conveying of any horses, geldings or mares out of this realm: in which act, amongst other things, there is one proviso or branch contained in these words hereafter following; that is to say, Provided always, That it shall be lawful to every of the King's subjects that shall pass over beyond the sea, to ship and carry with them horses or geldings for their only occupation in their journeys, and not to the intent to sell the same beyond the sea; (2) and that intent to be judged by oath of him or them that so will carry over any horse or gelding; which oath shall be taken before the customers or their deputies, or searcher of every such port where the same horse or gelding shall be shipped, before the shipping thereof; as by the same act and proviso it doth and may appear: (3) and although the same act and statute, in all parts thereof (except the said proviso) is very beneficial and profitable for this realm: yet nevertheless, by colour of the said proviso and branch contained in the said statute, many evil-disposed persons of a covetous and greedy desire do daily transport out of this realm very great numbers of horses and geldings, and do exchange and sell the same in the parts beyond the seas, for their own private lucre and gain: (4) and because the trial of such offences is by force of the said proviso and branch mentioned in the said statute, no otherwise to be tried or judged but only by the oath of the offender himself; therefore the offenders therein do escape unpunished, and thereby many persons are greatly encouraged daily to commit the like offences contrary to the true meaning and intent of the said statute:

II. For redress whereof, be it enacted by the Queen's majesty, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That all the said proviso and branch before rehearsed, mentioned and contained within the said act and statute, and every article and sentence contained within the said proviso, shall from henceforth be repealed, made void and of none effect: and that all the residue of the said act and statute shall stand, remain and be in full force and strength; any thing herein specified to the contrary notwithstanding.

CAP. XX.

An act for farther punishment of vagabonds, calling themselves Egyptians.

WHEREAS sithence the act made in the first and second years of ³ Inf. 1024 the late King and Queen, King Philip and Queen Mary, for the punishment of that false and subtil company of vagabonds calling themselves Egyptians, there is a scruple and doubt risen, whether such persons as being born within this realm of England, or other the Queen's highness dominions, and are or shall become of the fellowship or company of the said vagabonds, by transforming or disguising themselves in their apparel, or in a certain counterfeit speech or behaviour, are punishable by the said act in like manner as others of that sort are, being strangers born and transported into this realm of England:

II. Therefore for the avoiding of all doubts and ambiguities in that behalf, and to the intent that all such sturdy and false vagabonds of that sort, living only upon the spoil of the simple people, may be condignly met withal and punished, (2) be it enacted by the Queen our sovereign lady, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the said statute made in the first and second years of the said late King and Queen concerning those vagabonds calling themselves Egyptians, shall continue, remain and be in full force, strength and effect.

The statute of 1 & 2 Ph. & M. c. 4. concerning Egyptians shall continue in force.

III. And yet moreover, be it enacted by the authority aforesaid, That all and every person and persons, which from and after the first day of *May* now next ensuing shall be seen or found within this realm of *England* or *Wales*, in any company or fellowship of vagabonds, commonly called or calling themselves *Egyptians*, or counterfeiting, transforming or disguising themselves by their apparel, speech or other behaviour, like unto such vagabonds, commonly called or calling themselves *Egyptians*, and so shall do or continue and remain in the same, either at one time or at several times, by the space of one month: that then the said person or persons, shall by virtue of this act be deemed and judged a felon and felons; (2) and shall therefore suffer pains of death, loss of lands and goods, as in cases of felony by the order of the common laws of this realm; (3) and shall upon the trial of them, or of any of them therein, be tried in the county and by the inhabitants of the county or place where they or he shall be apprehended or taken, and not *per medietatem linguæ*; (4) and shall lose the privilege and benefit of sanctuary and clergy.

It shall be felony for Egyptians, or others counterfeiting themselves like to them, to remain a month in this realm.

IV. Provided always, and be it enacted by the authority aforesaid, That this act shall not in any wise extend to any child or children being within the age of fourteen years, nor to any of the said persons being in prison the last day of this present parliament; so that he or they so being in prison, do within fourteen days next after his or their delivery out of prison,

To what persons this act shall not extend.

prison, either depart out of this realm of *England* and *Wales*, or put him or themselves to some honest service, or exercise some lawful work, trade or occupation, and utterly forsake the said idle and false trade, conversation and behaviour of the said counterfeit and disguised vagabonds, commonly called or calling themselves *Egyptians*.

None born in the realm compellable to depart thence.

V. Provided also, and be it enacted by the authority aforesaid, That the said act made in the first and second years of the said late King and Queen, shall not extend to compel any person or persons born within any the Queen's majesty's dominions, to depart out of this realm of *England* or *Wales*, but only to constrain and bind them and every of them to leave their said naughty, idle and ungodly life and company, and to place themselves in some honest service, or to exercise themselves at home with their parents, or elsewhere, honestly in some lawful work, trade or occupation; any thing mentioned in the said former act to the contrary hereof in any wise notwithstanding.

CAP. XXI.

An act for punishing of unlawful taking of fish, deer or hawks.

How persons for unlawful fishing, hunting in a park, and taking of hawks or hawks eggs out of another's ground, shall be punished.

WHERE as well the Queen's majesty, and her most noble progenitors, as also the noblemen, gentlemen and divers other persons of great dominions, lordships, manors and possessions within this realm, have of ancient and long time had, and many of them now of late, to their great costs and charges, for the necessary and better provision and maintenance of their households, have erected and made in and upon their several demesns, grounds and possessions, as well pools, stagnes, stews, motes, pits or ponds, for the only increase of fish, and have stored the same with pickerel, breme, tench, carp and divers other good kinds of fish, for the necessary increase of victuals, and for the better maintenance and provision of their houses as is aforesaid; (2) and also have imparked, invironed and inclosed many parcels of their said demesns, soils, grounds and possessions, for the breeding, cherishing and increase, as well of red as fallow deer within their several parks and inclosures, for the causes afore declared; (3) and also have breeding within their woods and grounds, divers eyries of hawks of sundry kinds, to their great pleasure and commodity: (4) yet nevertheless, the said several waters, grounds, parks and inclosures, so being had, erected and made, and also being so stored and replenished, have been from time to time by evil disposed persons, of a very evil, wilful and insolent disposition, and of malice and displeasure, not only by night-time broken and entered into, but also the heads or dams of the said ponds, pools, stagnes, motes, stews or several waters, have been maliciously, wilfully and unlawfully cut out, and the pales, fences and inclosures of the said parks and grounds broken, cast down and set open, and the fish, deer and hawks within the same, taken, destroyed, carried away and stolen, (5) not only to the great loss and damage of the owners thereof, and to the small encouragement of other good subjects, minding the careful provision of such necessary victuals, but also to the manifest emboldning of many like wilful malefactors and malicious offenders, whereby many riots, manslaughters, mischiefs and other inconveniencies have been

been daily perpetrated, and like to be committed and done, if circumstance remedy be not hereunto provided :

II. Be it therefore enacted by the Queen's majesty, the lords ^{11 H. 8. c. 2.} spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That if any person or persons after the feast of *Pentecost* next coming, shall at any time by day or by night, unlawfully without authority, break, cut down, cut out or destroy, any head or heads, dam or dams of any ponds, pools, motes, stagnes, stews or several pits wherein fish are or shall happen to be put in or stored withal, by the owners or possessioners thereof; (2) or do or shall wrongfully fish in any of the said several ponds, pools, motes, stagnes, stews or pits, (3) to the intent to destroy, kill, take or steal away any of the same fish, against the will, mind or pleasure of the owners or possessioners of the same; (4) not having any lawful title or authority so to do, and thereof be lawfully convicted at the suit of our sovereign lady the Queen, her heirs or successors, or the party grieved; shall suffer imprisonment of his or their bodies by the space of three months, (5) and shall yield and pay to the party grieved his treble damages; (6) and after the said three months expired shall find sufficient sureties for his or their good abearing against the Queen our sovereign lady, her heirs and successors, and all her liege people, for the space of seven years after; or else shall remain and continue still in prison without bail or mainprise, until such time as he or they so offending can and shall find such sufficient sureties, during the said time and space of seven years as is aforesaid.

III. And be it also enacted by authority of this present parliament, That if any person or persons, after the said feast of *Pentecost* next coming, at any time by night or by day, in manner aforesaid, wrongfully or unlawfully break or enter into any park impaled, or any other several ground closed with wall, pale or hedge, and used for the keeping, breeding and cherishing of deer, and so wrongfully hunt, drive or chase out, or take, kill or slay any deer within any such impaled park or closed ground with wall, pale or other inclosure, and used for deer as is aforesaid; (2) or do or shall take away any hawk or hawks, or the eggs of any of them, by any ways or means unlawfully out of any the woods or ground of any person or persons, (not having lawful authority or licence so to do); (3) and thereof be lawfully convicted at the suit of our sovereign lady the Queen, or the party grieved as is aforesaid; shall likewise suffer imprisonment of his or their bodies by the space of three months; (4) and shall yield and pay to the party grieved his treble damages; (5) and after the said three months expired, shall find sufficient sureties for his or their good abearing for the space of seven years after, against the Queen's majesty, her heirs and successors, and all her liege people as is aforesaid; or else shall remain and continue still in prison, without bail or mainprise, until such time as he or they so offending, can and shall find such sufficient sureties

forties during the said time of seven years as is afore re-
hearsed.

A park in-
closed by the
licence of the
Queen, &c.

IV. Provided always, That this act, or any thing therein
contained, extend not to any park or inclosed ground hereafter
to be made and used for deer, without the grant or licence of
our sovereign lady the Queen, her heirs, successors or proge-
nitors.

The remedy
of the party
grieved, and
before whom.

V. Provided always, and be it enacted by the authority a-
foresaid, That it shall be lawful for the party grieved to sue and
take his further remedy against all and every such offender and
offenders, for his loss and damages, and to recover the treble
value of the same in this behalf, as well before justices of *oyer*
and *determiner*, justices of assizes in their circuits, and justices of
the peace, as elsewhere in any other the Queen's courts of records;
(2) and that upon the true satisfaction of the said treble dama-
ges to the party grieved, or upon the confession and knowledge
thereof by the same party, before the said justices in open sessi-
ons to be holden within the county where the offence was com-
mitted, it shall be at the liberty of the same party grieved to
whom the said offence was committed, to release at his pleasure
the said suretiship of good abearing, at any time within the said
seven years or before; any thing in this present act before spe-
cified or expressed to the contrary notwithstanding.

The party
grieved may
release the
suretiship of
goodabearing.

What justices
may hear and
determine the
offences afore-
said.

VI. And be it further enacted by the authority afore-
said, That the justices of *oyer* and *determiner*, justices of assize in their
circuits, and justices of the peace and gaol-delivery in their sessi-
ons, shall by virtue hereof have power and authority to enquire,
hear and determine all and singular the offences afore-
said, and to make and award process thereupon, as well upon indictments
taken before them, as by bill of complaint, information or any
other action; in which suit or action no essoin, wager of law
nor protection shall be allowed.

In what case
the justices of
peace may re-
lease the of-
fender of the
goodabearing.

VII. And be it further enacted by the authority afore-
said, That if any person or persons at any time hereafter shall fortune
to be bound before any of the justices before mentioned, to the
Queen, her heirs or successors, for his or their good abearing
for seven years, according to the tenor of this act, and the same
party or parties so bound shall afterwards within the said seven
years come before the justices of the peace of the said county
where the said offence was committed, or some of them, in open
sessions, and there in the said open sessions confess and acknow-
ledge his or their said offence or offences, and be sorry there-
fore, and satisfy the party or parties grieved, according to the
tenor of this act, that then the said justices before whom the
confession shall be so made shall and may have power and au-
thority by virtue of this act, in the same open session, or in any
other open session afterwards to be holden before the said justi-
ces in the said county, within the said term of seven years,
if it shall seem good to their discretions, to discharge the said
recognizance and bond so taken, and also the said party and
parties

parties so bound; this act or any thing therein contained to the contrary thereof notwithstanding.

C A P. XXII.

An act against carrying over seas, sheep-skins and pelts, not being staple ware.

FOR reformation of many griefs, lamentably declared this present parliament, by divers artificers of this realm working leather, It may please your royal majesty, that it may be enacted and established with the assent of this high court of parliament, That it shall not be lawful to or for any manner of person or persons whatsoever, from and after the first day of *May* next coming, to make any pelts, that is to say, to lay, to pull, shear, clip or take away the wool of any sheep-skin or lamb-skin, or to buy any skin of any stag, hind, buck, doe, goat, fawn or kid, or the pelts or skins of any of them, unless such person or persons so making any pelts, or buying such skins as is aforesaid, do make or cause to be made thereof, tawed or lawfully tanned leather or parchment, or otherwise convert the same into lemits, pannels or other their own necessary uses; (2) upon pain that every person so making pelts, or buying any of the skins or pelts aforesaid, contrary to the meaning of this act, shall forfeit and lose the value of all such pelts or skins so made and bought, and two shillings six-pence for every skin or pelt so bought, or pelt so made as is aforesaid.

Forfeiture of him who shall transport any skins of stag, hind, buck, doe, &c. or the leather made of them, and for what purposes they be made and bought within this realm.

II. And be it further enacted, That it shall not be lawful to or for any person or persons whatsoever, from and after the feast aforesaid, to ship or convey, or cause or procure to be shipped or conveyed, in or to any ship, boat or vessel in or upon the sea, or in or upon any haven, river, creek or place within this realm of *England* and *Wales* or either of them, any manner of sheep-skins, woodfels, shorlings, morelings or the skins of any stag, hind, buck, doe, goat, fawn or kid, or the pelts or skins of any of them, or the leather made of them or any of them, to the intent to transport or carry the same into any of the parts beyond the seas, there to be uttered, bartered or sold by way of merchandize or otherwise; (2) upon pain of forfeiture of all such skins or pelts, bought, laden, shipped or transported contrary to the tenor and true meaning of this act, or the value of them; (3) and also two shillings six-pence of lawful money of *England*, for every fell, shorling, moreling, pelt or skin aforesaid, bought, laden, shipped or transported contrary to the tenor and true meaning of this present act: (4) the moiety of all which forfeitures shall be to our sovereign lady the Queen's majesty, her heirs and successors; and the other moiety to him or them that will sue for the same by action, bill, plaint, information or otherwise, in any of the Queen's majesty's courts: in which action no essoin, protection or injunction shall be admitted or allowed.

The penalty for transporting of sheep-skins, lamb-skins, &c. repealed by 8 El. c. 14. as to transporting of tawed leather made of sheep-skins, &c.

Wares that may be lawfully transported by any merchant.

III. Provided always, That it shall and may be lawful to the merchants of the staple, the merchants of *Newcastle upon Tyne*, *Hartlepool* and *Berwick*, their servants, factors and attornies, and every of them, to carry and transport all such lawful wares as heretofore they have been accustomed and lawfully might; any thing in this act to the contrary notwithstanding.

C. A. P. XXIII.

An act for the due execution of the writ de Excommunicato Capiendo.

The order of awarding and returning the writ of *Excommunicato capiendo*: what is to be done upon the party's appearance, and what if he cannot be found, and the cause of awarding this writ.

4 Inst. 219.
Cro. El. 144.
1 Bulstr. 122.
3 Bulstr. 92.
3 Inst. 39.
12 Co. 77.
1 Roll. 174.

Awarding and returning of *Excommunicato capiendo*.

1 Salk. 293.

Cro. Jac. 567.
Cro. Car. 583.
1 Sid. 165, 285.

FORASMUCH as divers persons offending in many great crimes and offences appertaining meerly to the jurisdiction and determination of the ecclesiastical courts and judges of this realm are many times unpunished for lack and want of the good and due execution of the writ de *Excommunicato capiendo*, directed to the sheriff of any county, for the taking and apprehending of such offenders: (2) the great abuse whereof, as it should seem, hath grown for that the said writ is not returnable into any court that might have the judgment of the well executing and serving of the said writ according to the contents thereof; (3) but hitherto have been left only to the discretion of the sheriffs and their deputies, by whose negligences and defaults for the most part the said writ is not executed upon the offenders as it ought to be: (4) by reason whereof such offenders be greatly encouraged to continue their sinful and criminous life, much to the displeasure of Almighty God, and to the great contempt of the ecclesiastical laws of this realm:

II. Wherefore for the redress thereof, be it enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *May* next coming, every writ of *Excommunicato Capiendo* that shall be granted and awarded out of the high court of chancery, against any person or persons within the realm of *England*, shall be made in the time of the term, (2) and returnable before the Queen's highness, her heirs and successors, in the court commonly called the King's bench, in the term next after the *Teste* of the same writ; (3) and that the same writ shall be made to contain at the least twenty days between the *Teste* and the return thereof: (4) and after the same writ shall be so made and sealed, that then the said writ shall be forthwith brought into the said court of King's bench, and there, in the presence of the justices, shall be opened and delivered of record to the sheriff or other officer to whom the serving and execution thereof shall appertain, or to his or their deputy or deputies: (5) and if afterwards it shall or may appear to the justices of the same court for the time being, that the same writ so delivered of record be not duly returned before them at the day of the return thereof, or that any other default or negligence hath been used or had in the not well serving and executing of the said writ; that then the justices of the said court shall and may, by authority of this act, assess such amer-

ciamēt

ciament upon the said sheriff or other officer in whom such default shall appear, as to the discretion of the said justices shall be thought meet and convenient: which americiament so assessed shall be estreated into the court of exchequer, as other americiaments have been used.

The sheriff shall be amerced for not returning of the writ.

III. And be it further enacted by the authority aforesaid, That the sheriff or other officer to whom such writ of *Excommunicato capiendo*, or other process by virtue of this act shall be directed, shall not in any wise be compelled to bring the body of such person or persons as shall be named in the said writ or process, into the said court of the King's bench at the day of the return thereof; (2) but shall only return the same writ and process thither, with declaration briefly how and in what manner he hath served and executed the same, to the intent that thereupon the said justices may then further therein proceed, according to the tenor and effect of this present act.

What shall be done with the body of the excommunicate.

IV. And if the said sheriff or other officer to whom the execution of the said writ shall so appertain, do or shall return that the party or parties named in the said writ cannot be found within his bailiwick; that then the said justices of the King's bench for the time being, upon every such return, shall award one writ of *Capias* against the said person or persons named in the said writ of *Excommunicato capiendo*, (2) returnable in the same court in the term-time, two months at least next after the *Tesse* thereof, (3) with a proclamation to be contained within the said writ of *Capias*, that the sheriff or other officer to whom the said writ shall be directed, in the full county-court, or else at the general assizes and gaol-delivery to be holden within the said county, or at a quarter-sessions to be holden before the justices of the peace within the said county, shall make open proclamation ten days at the least before the return, that the party or parties named in the said writ shall, within six days next after such proclamation, yield his or their body or bodies to the gaol or prison of the said sheriff or other such officer, there to remain as a prisoner, according to the tenor and effect of the first writ of *Excommunicato capiendo*, upon pain of forfeiture of ten pounds: (4) and thereupon after such proclamation had, and the said six days past and expired, then the said sheriff or other officer to whom such writ of *Capias* shall be directed, shall make return of the same writ of *Capias* into the said court of the King's bench, of all that he hath done in the execution thereof, and whether the party named in the said writ have yielded his body to prison or not.

If the sheriff return *Non est inventus*.

First *Capias*.
Cro. Jac. 566,
Litch 174.
1 Sid. 181.
1 Roll. 174.

V. And if upon the return of the said sheriff it shall appear, that the party or parties named in the same writ of *Capias*, or any of them, have not yielded their bodies to the gaol and prison of the said sheriff or other officer, according to the effect of same proclamation; that then every such person that so shall make default, shall for every such default forfeit to the Queen's highness, her heirs and successors, ten pounds; (2) which shall likewise be estreated by the said justices into the said

Ten pounds forfeiture for not appearing upon the first *Capias*.

said court of exchequer, in such manner and form as fines and amerzements there taxed and assessed are used to be.

2d *Capias*.

VI. And thereupon the said justices of the King's bench shall also award forth one other writ of *Capias* against the person or persons that so shall be returned to have made default, with such like proclamation as was contained in the first *Capias*, and a pain of twenty pounds, to be mentioned in the said second writ and proclamation: (2) and the sheriff or other officer to whom the said writ of second *Capias* shall be so directed, shall serve and execute the said second writ in such like manner and form as before is expressed for the serving and executing of the said first writ of *Capias*. (3) And if the sheriff or other officer shall return upon the said second *Capias*, that he hath made the proclamation according to the tenor and effect of the same writ, and that the party hath not yielded his body to prison according to the tenor of the said proclamation; that then the said party that so shall make default, shall for such his contempt and default forfeit to the Queen's highness, her heirs and successors, the sum of twenty pounds; (4) which said sum of twenty pounds the said justices of the King's bench for the time being shall likewise cause to be estreated into the said court of exchequer, in manner and form aforesaid.

Twenty pounds forfeiture upon the second *Capias*.

3d *Capias*.

VII. And then the said justices shall likewise award forth one other writ of *Capias* against the said party, with such like proclamation and pain of forfeiture, as was contained in the said second writ of *Capias*; (2) and the sheriff or other officer to whom the said third writ of *Capias* shall so be directed, shall serve and execute the said third writ of *Capias* in such like manner and form as before in this act is expressed and declared for the serving and executing of the said first and second writs of *Capias*. (3) And if the sheriff or other officer to whom the execution of the said third writ shall appertain, do make return of the said third writ of *Capias*, that the party upon such proclamation hath not yielded his body to prison according to the tenor thereof; that then every such party for every such contempt and default shall likewise forfeit to the Queen's majesty, her heirs and successors, other xx. li. (4) which sum of xx. li. shall likewise be estreated into the said court of the exchequer in manner and form aforesaid; (5) and thereupon the said justices of the King's bench shall likewise award forth one writ of *Capias* against the said party, with like proclamation and like pain of forfeiture of xx. li. (6) and that also the said justices shall have authority by this act, infinitely to award such process of *Capias* with such like proclamation and pain of forfeiture of xx. li. as is before limited, against the said party that so shall make default in yielding of his body to the prison of the sheriff, until such time as by return of some of the said writs before the said justices, it shall and may appear, that the said party hath yielded himself to the custody of the said sheriff or other officer, according to the tenor of the said proclamation; (7) and that the party upon every default and contempt by him made against

Twenty pounds forfeit upon the third *Capias*.

Awarding of *Capias* infinitely, and

the

the proclamation of any of the said writs so infinitely to be awarded against him, shall incur like pain and forfeiture of xx. li. which shall likewise be estreated in manner and form asforesaid.

xx li. forfeit upon every of them.

VIII. And be it further enacted by the authority asforesaid, That when any person or persons shall yield his or their body or bodies to the hands of the sheriff or other officer, upon any of the said writs of *Capias*, that then the same party or parties that shall so yield themselves, shall remain in the prison and custody of the said sheriff or other officer, without bail, baston or mainprize, in such like manner and form, to all intents and purposes, as he or they should or ought to have done, if he or they had been apprehended and taken upon the said writ of *Excommunicato capiendo*.

The offender yielding his body shall be committed to prison.

1 Bulfr. 122.

IX. And be it further enacted by the authority asforesaid, That if any sheriff or other officer by whom the said writ of *Capias* or any of them shall be returned, as is asforesaid, do make an untrue return upon any of the said writs, that the party named in the said writ hath not yielded his body upon the said proclamations, or any of them, where indeed the party did yield himself according to the effect of the same, That then every such sheriff or other officer, for every such false and untrue return, shall forfeit to the party grieved and damaged by the said return, the sum of forty pounds; (2) for the which sum of forty pounds the said party grieved shall have his recovery and due remedy by action of debt, bill, plaint or information, in any of the Queen's courts of record; in which action, bill, plaint or information, no essoin, protection or wager of law shall be admitted or allowed for the party defendant;

The forfeiture of a sheriff for a false return.

X. Saving and reserving to all archbishops and bishops, and all others having authority to certify any person excommunicated, like authority to accept and receive the submission and satisfaction of the said person so excommunicated, in manner and form heretofore used, (2) and him to absolve and release, and the same to signify, as heretofore hath been accustomed, to the Queen's majesty, her heirs and successors, into the high court of chancery; (3) and thereupon to have such writs for the deliverance of the said person, so absolved and released, from the sheriff's custody or prison, as heretofore they or any of them had, or of right ought or might have had; any thing in this present statute specified or contained to the contrary hereof in any wise notwithstanding.

The bishop's authority to receive submission, and deliver the excommunicate.

Regist. 66, 67.
2 Lev. 26, 36.
Raym. 225.

XI. Provided always, That in *Wales*, the counties palatines of *Lancaster*, *Chester*, *Durham* and *Ely*, and in the cinque ports, being jurisdictions and places exempt, where the Queen's majesty's writ doth not run, and process of *Capias* from thence not returnable into the said court of the King's bench, after any *Significavit* being of record in the said court of chancery, the tenor of such *Significavit* by *Mittimus* shall be sent to such of the head officers of the said county of *Wales*, counties palatines, and places exempt, within whose offices, charge or jurisdiction the offenders shall be resiant; that is to say, to the chancellor

Process out of liberties where the Queen's writ runneth not.

or chamberlain for the said county palatine of *Lancaster* and *Chester*, and for the cinque ports to the lord warden of the same, and for *Wales* and *Ely*, and the county palatine of *Durham*, to the chief justice or justices there : (2) and thereupon every of the said justices and officers to whom such tenor of *Significavit* with *Mittimus* shall be directed and delivered, shall by virtue of this estatute have power and authority to make like processe to the inferior officer and officers to whom the execution of processe there doth appertain, returnable before the justices there at their next sessions or courts, two months at the least after the teste of every such processe : (3) so always as in every degree they shall proceed in their sessions and courts against the offenders, as the justices of the said court of King's bench are limited by the tenor of this act in term-times to do and execute.

Certain persons discharged of the penalty aforesaid.
 1 Shower. 16.

XII. Provided also, and be it enacted, That any person, at the time of any processe of *Capias* aforesaid awarded, being in prison, or out of this realm in the parts beyond the sea, or within age, or of *non sana memoria*, or woman covert, shall not incur any of the pains or forfeitures aforesaid, which shall grow by any return or default happening during such time of nonage, imprisonment, being beyond the sea, or *non sana memoria* (2) and that by virtue of this estatute, the party grieved may plead every such cause or matter in bar of and upon the distress, or other processe that shall be made for levying of any of the said pains or forfeitures.

Addition according to the stat. 1 H. 5. c. 5.
 1 Salk. 294.
 3 Mod. 42, 89,
 Cro. Car. 197,
 199.
 Latch 174, 204.
 Cro. Car. 197,
 199.
 1 Roll. 175.
 2 Jones 226.
 Latch 204.
 2 Jones 89.
 1 Show. 17.

XIII. And that if the offender against whom any such writ of *Excommunicato capiendo* shall be awarded, shall not in the same writ of *Excommunicato capiendo* have a sufficient and lawful addition, according to the form of the statute of *primo* of *Henry the Fifth*, in cases of certain suits whereupon processe of exigent are to be awarded : (2) or if in the *Significavit* it be not contained, that the excommunication doth proceed upon some cause or contempt of some original matter of heresy, or refusing to have his or their child baptized, or to receive the holy communion as it is now commonly used to be received in the church of *England*, or to come to divine service now commonly used in the said church of *England*, or error in matters of religion or doctrine now received and allowed in the said church of *England*, incontinency, usury, simony, perjury in the ecclesiastical court, or idolatry ; (3) that then all and every pains and forfeitures limited against such persons excommunicate by this estatute, by reason of such writ of *Excommunicato capiendo* wanting sufficient addition, or of such *Significavit* wanting all the causes aforesaid, shall be utterly void in law ; (4) and by way of plea to be allowed to the party grieved.

Causes of excommunication.

Addition with a *Nuper*.

XIV. And if the addition shall be with a *Nuper* of the place, Then in every such case, at the awarding of the first *Capias* with proclamation according to the form aforesaid, one writ of proclamation (without any pain expressed) shall be awarded into the county where the offender shall be most commonly resident at the time of the awarding of the said first *Capias* with

with pain in the same writ of proclamation, to be returnable the day of the return of the said first *Capias* with pain, and proclamation thereupon at some one such time and court, as is prescribed for the proclamation upon the said first *Capias* with pain: (2) and if such proclamation be not made in the county where the offender shall be most commonly resistant in such cases of additions of *Nuper*, That then such offender shall sustain no pain or forfeiture by virtue of this estatute, for not yielding his or her body, according to the tenor aforementioned; any thing before specified to the contrary hereof in any wise notwithstanding.

C A P. XXIV.

The statute of 23 H. 3. c. 2. touching the making and repairing of gaols, Prisons. shall be revived and continue ten years: and the justices of peace in the counties of *Pembroke, Glamorgan, Cardigan, Radnor* and *Montgomery* in *Wales*, shall have power to do and execute all things concerning the new making of gaols, as the justices and other persons mentioned in the said statute. EXP.

C A P. XXV.

An act to fill up juries lacking in Wales de Circumstantibus.

WHERE in the parliament holden at Westminster in the thirtieth year of the reign of our late sovereign lord King Henry the Eighth, father to our most dear sovereign lady the Queen's majesty that now is, one wholesome and profitable act and estatute amongst other was then established and enacted, intituled by the name of An act concerning the appearance of jurors in Nisi Prius: (2) where amongst things in the act it was established, That where a full jury returned betwixt party and party did not appear before the justices of assize, or Nisi Prius, or else after appearance of a full jury, by challenge of any of the parties, the jury was like to remain untaken for default of jurors, that the same justices upon request made by the party plaintiff or demandant, should have authority by virtue of the same act, to command the sheriff, or other minister or ministers to whom the making of the said return should appertain, to name and appoint, as often as need should require, so many of such other able persons of the said county, then present at the said assize or Nisi Prius, as should make up a full jury: which persons so to be named and impanelled by such sheriffs, or other minister or ministers, should be added to the former panel, and their names annexed to the same, and further as in the same act more plainly may appear: (3) which said beneficial act doth not extend unto the twelve shires of Wales, ne to the county palatine of Chester, nor to the county palatine of Lancaster, nor to the county palatine of Durham, by reason whereof many juries remain untaken betwixt the parties, what for lack of appearance of jurors, and some because of challenges, to the great hindrance of justice, and great expences and charges to the parties:

II. For reformation whereof, be it enacted by the Queen our sovereign lady, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That in every of the shires of *Wales*, that is to say, *Pembroke, Carmarthen, Cardigan, Brecknock,*

In certain cases a *Tales de Circumstantibus* may be granted in the 12 shires in Wales, and in the county palatine of Chester, &c. by the justices at their great sessions. A rehearsal of the statute of 35 H. 3. c. 6. touching the filling up a jury de Circumstantibus.

Brecknock, Radnor, Glamorgan, Montgomery, Denbigh, Flint, Merioneth, Anglesey, Carnarvon, and in the county palatine of *Chester,* and in the said county palatine of *Durham,* and in the said county palatine of *Lancaster,* where a full jury shall not appear before the justices of the great sessions in any of the said shires or counties palatines, or their deputies there, or else after appearance of a full jury, by challenge of any of the parties, the jury is like to remain untaken for default of jurors; That then the same justices, in every of the said shires and counties palatines for the time being, or their deputy or deputies, upon request made by the party plaintiff or demandant, shall have full authority by virtue of this act to command the sheriff, or other minister or ministers to whom the making of the said return shall appertain, to name and appoint, as often as need shall require, so many of such other able persons of the said counties, then present at the said great sessions, as shall make up a full jury: which persons so to be named and impanelled by such sheriffs, or other minister or ministers, shall be added to the former panel, and their names annexed to the same: (2) and that every of the parties shall or may have his or their challenge to the jurors so named, added and annexed to the said former panel, by the said sheriff or other minister or ministers, in such wise as if they had been impanelled upon the *Venire facias* awarded to try the said issue: (3) and that the said justices, and every of them, and their deputy or deputies, shall and may proceed to the trial of every such issue with those persons that were before impanelled and returned, and with those newly added and annexed to the said former panel by virtue of this act, in such wise as they might or ought to have done, if all the said jurors had been returned upon the writ of *Venire facias* awarded to try the said issue: (4) and that all and every such trial had, shall be as good and effectual in the law, to all intents, constructions and purposes, as if such trial had been had and tried by twelve of the jurors impanelled and returned upon the writ of *Venire facias* awarded to try such issue: (5) and in case such persons as the said sheriff, minister or ministers, shall name and appoint, as is aforesaid, or any of them, after they shall be called, be present and do not appear, or after his or their appearance do wilfully withdraw him or themselves from the presence of the court, That then such justices, or their deputies, shall and may set such fine upon every such juror making default, or wilfully withdrawing himself as aforesaid, as they shall think good by their discretions; (6) the said fine to be levied in such manner and form as issues forfeited and lost by jurors for default of their appearance, as is provided by the law and custom of the said countries of *Wales,* and counties palatines aforesaid, where such issues are forfeited.

III. And be it further enacted by the authority aforesaid, That where any jury, that shall be returned by the sheriff or other minister or ministers, shall be made full by the commandment of the said justices or their deputies, by virtue of this present act

Challenge to
the jurors
newly named.

A juror
newly impanelled doth
withdraw
himself.

The first jurors making
default shall
lose their

act, that yet nevertheless such persons as were returned in the said panel by the sheriff or other minister or ministers, to try any such issue, that shall not appear, but make default, shall lose the issues upon them returned, in such wise as though the same jury had remained for default of jurors.

IV. Provided always, and be it further enacted; That upon a reasonable excuse for the default of appearance of any juror or jurors, sufficiently proved before the justices of the great sessions, or their deputies, in the countries and counties palatines aforesaid, at the day of their appearance, by the oaths of two lawful and honest witnesses, that the same justices shall have authority by their discretions to discharge every such juror of every such forfeiture of issues upon him returned; (2) and that the said sheriff or sheriffs, or other minister or ministers, having commandment by the said justices to omit the returning of such issues, as is aforesaid, upon such juror or jurors, shall be therein discharged of the penalties aforesaid for the non-returning of the said issues, and that yet notwithstanding the said return to be good and effectual in the law; any law, usage, ordinance or custom to the contrary notwithstanding.

Upon a reasonable excuse, jurors shall be discharged of issues.

V. Provided also, and be it enacted by the authority aforesaid, That if the said justices or their deputies, afore whom any such jury should appear in the shires or counties palatines where such issue is to be tried, do not come at the day and place appointed, That then every one of the same jurors shall be discharged for forfeiting of any issues upon him returned in the same writ: (2) and the sheriff, or other minister or ministers, shall be likewise discharged of the penalties of this estatute, for the non-returning of such issues as are before limited in this act; any article or sentence herein contained to the contrary notwithstanding.

If the justices come not, the jury shall be discharged of their issues.

VI. And also be it further enacted by the authority aforesaid, That if upon any such writ of *Habeas corpora* or *Disstringas*, issues be returned upon any hundredors, juror or jurors, by the sheriffs, or other minister or ministers to whom the execution of the same writ or writs shall appertain, whereas the same hundredors and jurors shall not be lawfully summoned, warned or distrained in that behalf, That then every such sheriff, or other minister or ministers aforesaid, shall lose for every such offence so committed double so much as the said issues returned upon such hundredors or jurors not lawfully summoned, warned or distrained, shall amount unto: (2) the moiety of all which forfeitures contained in this present act, other than the issues to be returned upon the jurors, as is aforesaid, shall be to the Queen our sovereign lady, her heirs and successors, and the other half to him that will sue for the same by action of debt, bill, plaint or information, in the Queen her grace's great court within the said county where such forfeiture shall happen to be, before the said justices, his or their deputy or deputies; in which no waiver of law, esoin or protection shall be allowed ne admitted: (3) saving to all manner of persons, and bodies politick and

The sheriffs forfeiture for returning of issues upon a juror not warned.

Who shall have the forfeitures, and by what means they shall be recovered.

corporate,

corporate, their heirs and successors, having lawful right, title and interest, to have such issues, to be before any such justices or their deputies at any time or times hereafter lost and forfeited, all such right, title and interest as they or any of them should or ought to have had to such issues to be lost and forfeited, as though this act had never been had or made.

Returning of
inquests in
cities and
towns corpo-
rate.

VII. Provided also, That this act, nor any thing therein contained, shall not extend to any city or town corporate, or to any sheriff, minister or ministers in the same, for the return of any inquest or panel to be made and returned of persons inhabiting in the said cities or towns corporate, but that they and every of them shall and may return such persons in every such inquest or panel, as before this time they might and have been accustomed to do, and as if this act had never been had or made, so that the same sheriff, minister or ministers, return upon such persons as shall be impanelled, such like and reasonable issues as they ought to return; any thing in the same contained to the contrary notwithstanding. 2 & 3 Ed. 6. c. 32.

C A P. XXVI.

An act for the inrolment of indentures of bargain and sale in the Queen's majesty's courts of the counties of Lancaster, Chester, and bishoprick of Durham, shall be good in law.

27 H. 8. c. 16.

WHERE in the parliament holden upon prorogation at Westminster the fourth day of February in the xxvij. year of the reign of our late sovereign lord of most famous memory King Henry the Eighth, and there continued and kept till the xiiij. day of April then next ensuing, it was enacted, That from the last day of July which was in the year of our Lord God one thousand five hundred thirty-six, no manors, lands, tenements or other hereditaments should pass, alter or change from one to another, whereby any estate of inheritance or freehold should be made or take effect in any person or persons, or any use thereof to be made, by reason only of any bargain and sale thereof, except the same bargain and sale were made by writing indented, sealed, and inrolled in one of the King's courts of record at Westminster, or else within the same county or counties where the same manors, lands or tenements so bargained and sold lie or be, before the custos rotulorum and two justices of the peace, and the clerk of the peace of the same county or counties, or two of them at the least, (whereof the clerk of the peace to be one) and the same inrollments to be had and made within six months next after the date of the said writing indented; as by the same act of parliament among other things therein contained more at large it doth appear.

II. And forasmuch as the same act of parliament doth not extend, to make any inrollments of any deeds indented of such bargains and sales made of any manors, lands, tenements or hereditaments, lying and being within the counties palatine of Lancaster, Chester, and the bishoprick of Durham, to be good or of any force in the law, in any the Queen's courts of record within the said counties palatine of Lancaster, Chester or bishoprick of Durham.

III. Be

III. Be it now therefore enacted by the Queen our sovereign lady, with the assent of the lords spiritual and temporal of this present parliament assembled, and by the authority of the same, That from the feast of *Easter* next coming, all inrolments of such writings indented, (*viz.* as be mentioned 27 H. 8. c. 16.) of any bargain and sale, after the said feast of *Easter* to be made of any manors, lands, tenements or other hereditaments, set, lying or being in the counties of *Lancaster*, *Chester* and bishoprick of *Durham*, being made and inrolled within six months next after the date of any such writings indented, in the Queen's court of chancery at *Lancaster*, or before the Queen's justice or justices of assizes at *Lancaster* aforesaid, concerning any manors, lands, tenements or hereditaments within the said county of *Lancaster*; or in the Queen's court of the exchequer at *Chester*, or before the Queen's justice or justices of assizes at *Chester* aforesaid, concerning any manors, lands, tenements or hereditaments within the said county of *Chester*; or in the court of chancery at *Duresme*, or before the justice or justices of assizes at *Duresme* aforesaid, concerning any manors, lands, tenements or hereditaments within the said county of the bishoprick of *Duresme*; shall be accepted, reputed, deemed and taken by the authority of this act, to be as good and available in law, to all intents, constructions and purposes, as if the same writings indented had been made and inrolled in any of the Queen's courts at *Westminster*; any thing contained in the said former act to the contrary in any wise notwithstanding.

Inrolments in
Lancaster,
Chester, Dur-
ham.

IV. Provided always, That this act nor any thing therein contained shall not extend to any manors, lands, tenements or hereditaments lying and being within any city, borough or town corporate within any of the said countries, wherein the mayors, recorders, chamberlains, bailiffs, or other officer or officers have authority, and have lawfully used, to enrol any evidences, deeds or other writing, within their precinct or limits; any thing in this act contained to the contrary notwithstanding.

Towns cor-
porate.

C A P. XXVII.

An act touching fines to be levied in the county palatine of Durham.

IN most humble wise shewen unto your most excellent Majesty your true and faithful subjects and liege-men the inhabitants of the county palatine of Durham, That whereas by authority of parliament divers necessary and beneficial statutes have been made for and concerning the levying of fines with proclamation, which are not only necessary for the preservation of quietness and concord amongst your loving subjects, and for the avoiding of strife and contention, but also for the great and perfect assurance of all such persons to whom such fines are levied, of any lands, tenements or hereditaments; which said beneficial and necessary statutes do not extend to any fines to be levied within the said county palatine of Durham: in tender consideration whereof pleaseth it your most excellent Majesty, That it may be enacted by your Highness, and the lords spiritual and temporal, and

Fines levied
before the
justices of
assize at Dur-
ham.

the commons, in this present parliament assembled, and by the authority of the same, That all and singular fines, which at any time hereafter shall be levied or knowledged before the justice or justices of the county palatine of *Durham* for the time being, authorized for that purpose and cause, of any lands, tenements or other hereditaments, lying or being within the said county palatine of *Durham*, which shall be openly read and proclaimed two several days in the open sessions in the presence of the justices of assize at *Durham*, or one of them for the time being, at the same sessions that the same fine shall fortune to be ingrossed; (2) and also that shall be openly read and proclaimed in the presence of the justices of assize at *Durham*, or one of them for the time being, at the two next general sessions that shall be holden in the county palatine of *Durham* before the justices of the same county, commonly called justices of assizes at *Durham*, or one of them, next after the levying or ingrossing of such said fine; (3) shall be of like and of the same force, strength and effect in the law, to all intents, constructions and purposes, as fines being duly levied with proclamations before the Queen's justices of her common pleas at *Westminster* be or ought to be.

C A P. XXVIII.

An act for the translating of the bible and the divine service into the Welsh tongue.

WHEREAS the Queen's most excellent majesty, like a most godly and virtuous Princess, having chief respect and regard to the honour and glory of God, and the souls health of her subjects, did in the first year of her reign, by the authority of her highcourt of parliament, chiefly for that purpose called, set forth a book of common prayer and order of the administration of sacraments in the vulgar English tongue, to be used through all her realm of England, Wales and the marches of the same, that thereby her Highness most loving subjects understanding in their own language the terrible and fearful threatenings rehearsed in the book of God against the wicked and malefactors, the pleasant and infallible promises made to the elect and chosen flock, with a just order to rule and guide their lives according to the commandments of God, might much better learn to love and fear God, to serve and obey their Prince, and to know their duties towards their neighbours; which book being received as a most precious jewel with an inspeakable joy of all such her subjects as did and do understand the English tongue, the which tongue is not understood of the most and greatest number of all her Majesty's most loving and obedient subjects inhabiting within her Highness dominion and country of Wales, being no small part of this realm, who therefore are utterly destituted of God's Holy Word, and do remain in the like or rather more darkness and ignorance than they were in the time of popistry: be it therefore enacted by the Queen our sovereign lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the bishops of *Hereford*, *Saint Davies*, *Afaph*, *Bangor* and *Llandoff*,

Landaff, and their successors, shall take such order amongst themselves for the souls health of the flocks committed to their charge within *Wales*, That the whole bible containing the new testament and the old, with the book of common prayer and administration of the sacraments, as is now used within this realm in *English*, to be truly and exactly translated into the *British* or *Welsh* tongue; (2) and that the same so translated, being by them viewed, perused and allowed, be imprinted to such number at the least, that one of either sort may be had for every cathedral, collegiate and parish church, and chapel of ease, in such places and countries of every the said dioceses where that tongue is commonly spoken or used, before the first day of *March*, Anno Dom. one thousand five hundred sixty-six. (3) and that from that day forth, the whole divine service shall be used and said by the curates and ministers throughout all the said dioceses where the *Welsh* tongue is commonly used, in the said *British* or *Welsh* tongue, in such manner and form as is now used in the *English* tongue, and differing nothing in any order or form from the *English* book: (4) for the which books so imprinted, the parishioners of every of the said parishes shall pay the one half or moiety, and the parson and vicar of every of the said parishes (where both be) or else the one of them where there is but one, shall pay the other half or moiety: (5) the prices of which books shall be appointed and rated by the said bishops and their successors, or by three of them at the least, (6) the which things if the said bishops or their successors neglect to do, Then every one of them shall forfeit to the Queen's majesty, her heirs and successors, the sum of forty pounds, to be levied of their goods and chattels.

II. Be it further enacted by the authority aforesaid, That every minister and curate within the dioceses before said, where the *Welsh* tongue is commonly used, shall from the feast of *Whitsuntide* next ensuing until the foresaid day of *March*, which shall be in the year one thousand five hundred sixty and six, at all times of communion declare or read the epistle and gospel of the day in the *Welsh* tongue, to his or their parishioners in every of the said churches and chapels; and also once every week at the least, shall read or declare to their said parishioners in the said churches the Lord's prayer, the articles of the christian faith, the ten commandments, and the litany, as they are set forth in the *English* tongue, in the said *Welsh* tongue, with such other part of the common prayer and divine service as shall be appointed by the bishop of the diocesis for the time being.

III. And one book containing the bible, and one other book of common prayer, in the *English* tongue, shall be bought and had in every church throughout *Wales* in which the bible and book of common prayer in *Welsh* is to be had by force of this act (if there be none already) before the first day of *March*, which shall be in the year of our Lord God one thousand five hundred sixty-six; (2) and the same books to remain in such convenient places within the said churches, that such as understand them may resort at all convenient times to read and peruse

The bible and book of common prayer to be translated into the Welsh tongue.

A bible and book of common prayer in English shall be in every church in Wales.

the same: and also such as do not understand the said language, may by conferring both tongues together, the sooner attain to the knowledge of the *English* tongue; any thing in this act to the contrary notwithstanding.

C A P. XXIX.

Taxes.

The confirmation of a subsidy of six shillings in the pound, granted to the Queen by the clergy, to be paid in three years. EXP.

C A P. XXX.

A subsidy and two fifteens granted to the Queen by the temporality. EXP.

C A P. XXXI.

Pardon.

The Queen's general and free pardon confirmed by parliament, except, &c.

Anno octavo Reginae ELIZABETHÆ.

Cro. Jac. 111.

AT the parliament by prorogation holden at Westminster the last day of September in the eighth year of the reign of our sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued until the dissolution of the same: to the high pleasure of Almighty God, and weal-publick of this realm, amongst other, were enacted as followeth.

C A P. I.

An act declaring the making and consecrating of the archbishops and bishops of this realm to be good, lawful and perfect.

Acts made since
1. El. for the
consecrating,
investing, &c.
of any arch-
bishop or
bishop, shall
be good.
Dyer 234.
A question
whether the
making of
bishops were
duly and or-
derly done.

FORASMUCH as divers questions, by overmuch boldness of speech and talk amongst many of the common sort of people being unlearned, hath lately grown upon the making and consecrating of archbishops and bishops within this realm, whether the same were and be duly and orderly done according to the law or not, which is much tending to the slander of all the state of the clergy, being one of the great states of this realm: (2) therefore for the avoiding of such slanderous speech, and to the intent that every man that is willing to know the truth, may plainly understand that the same evil speech and talk is not grounded upon any just matter or cause, it is thought convenient hereby partly to touch such authorities as do allow and approve the making and consecrating of the same archbishops and bishops to be duly and orderly done, according to the laws of this realm, and thereupon further to provide for the more surety thereof, as hereafter shall be expressed.

26 H. 8. c. 1.

II. First, it is very well known to all degrees of this realm, that the late King of most famous memory, King Henry the Eighth, as well by all the clergy then of this realm in their several convocations, as also by all the lords spiritual and temporal, and commons, assembled in divers of his parliaments, was justly and rightfully recognized and acknowledged to have the supreme power, jurisdiction, order, rule and authority over all the estate ecclesiastical of the same, and the same power,

juris-

jurisdiction and authority did use accordingly: (2) and that also the said late King, in the five and twentieth year of his reign, did by authority of parliament, amongst other things, set forth a certain order of the manner and form how archbishops and bishops, within this realm and other his dominions, should be elected and made, as by the same more plainly appeareth: (3) and that also the late King of worthy memory, King Edward the Sixth, did lawfully succeed the said late King Henry his father, in the imperial crown of this realm, and did justly possess and enjoy all the same power, jurisdiction and authority before-mention'd, as a thing to him descended with the same imperial crown, and so used the same during his life: (4) and that also the said late King Edward the Sixth, in his time by authority of parliament caused a godly and virtuous book, intituled, The book of common prayer, and administration of sacraments, and other rites and ceremonies in the church of England, to be made and set forth, not only for one uniform order of service, common prayer, and the administration of sacraments, to be used within all this realm and other his dominions, but also did add and put to the same book a very good and godly order of the manner and form how archbishops, bishops, priests, deacons and ministers, should from time to time be consecrated, made and ordered within this realm and other his dominions, as by the same more plainly will and may appear: (5) and although in the time of the late Queen Mary, as well the said act and statute made in the five and twentieth year of the reign of the said late King Henry the Eighth, as also the several acts and statutes made in the second, third, fourth, fifth and sixth years of the reign of the said late King Edward, for the authorising and allowing of the said book of common prayer, and other the premisses, amongst divers other acts and statutes touching the said supream authority, were repealed: yet nevertheless, at the parliament holden at Westminster in the first year of the reign of our sovereign lady the Queen's majesty that now is, by one other act and statute there made, all such jurisdictions, privileges, superiorities and preheminenes spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been, or may lawfully be used over the ecclesiastical estate of this realm, and the order, reformation and correction of the same, is fully and absolutely by the authority of the same parliament, united and annexed to the imperial crown of this realm: (6) and by the same act and statute there is also given to the Queen's highness, her heirs and successors, Kings and Queens of this realm, full power and authority, by letters patents under the great seal of England, from time to time to assign, name and authorise such person or persons as she or they shall think meet and convenient, to exercise, use, occupy and execute under her Highness, all manner of jurisdiction, privileges, preheminenes and authorities, in any wise touching or concerning any spiritual or ecclesiastical power or jurisdiction within this realm, or any other her Highness dominions or countries: (7) and also by the same act and statute, the said act made in the five and twentieth year of the reign of the said late King Henry the Eighth, for the order and form of the electing and making of the said archbishops and bishops, together with divers other statutes touching the jurisdiction over the state ecclesiastical, is revived and made

1 El. c. 2.

in full force and effect, as by the same act and statute more plainly appeareth: (8) and that also by another act and statute made in the said parliament in the first year of the reign of our said sovereign Lady, intituled, An act for the uniformity of common prayer, and service in the church, and the administration of sacraments, the said book of common prayer, and the administration of sacraments, and other the said orders, rites and ceremonies before-mentioned, and all things therein contained, with certain additions therein newly added and appointed by the said estatute, is fully established and authorised to be used in all places within this realm, and all other the Queen's majesty's dominions and countries; as by the said act, amongst other things, more plainly appeareth: (9) whereupon our said sovereign lady the Queen's most excellent majesty, being most justly and lawfully invested in the imperial crown of this realm, with all authorities, pre-eminences and dignities thereunto appertaining, and thereby having in her majesty's order and disposition all the said jurisdictions, power and authorities over the state ecclesiastical and temporal, as well in causes ecclesiastical as temporal, within this realm and other her Majesty's dominions and countries, hath by her supream authority, at divers times sithence the beginning of her Majesty's reign, caused divers and sundry grave and well learned men to be duly elected, made and consecrated archbishops and bishops of divers archbishopricks and bishopricks within this realm, and other her Majesty's dominions and countries, according to such order and form, and with such ceremonies in and about their consecrations, as were allowed and set forth by the said acts, statutes and orders annexed to the said book of common prayer before-mentioned: (10) and further, for the avoiding of all ambiguities and questions that might be objected against the lawful confirmations, investing and consecrations of the said archbishops and bishops, her Highness in her letters patents under the great seal of England, directed to any archbishop, bishop or others, for the confirming, investing and consecrating of any person elected to the office or dignity of any archbishop or bishop, hath not only used such words and sentences as were accustomed to be used by the said late King Henry and King Edward, her Majesty's father and brother, in their like letters patents made for such causes, but also hath used and put in her Majesty's said letters patents divers other general words and sentences, whereby her Highness, by her supream power and authority, hath dispensed with all causes or doubts of any imperfection or disability that can or may in any wise be objected against the same, as by her Majesty's said letters patents remaining of record more plainly will appear: (11) so that to all those that will well consider of the effect and true intent of the said laws and statutes, and of the supream and absolute authority of the Queen's highness, and which she by her Majesty's said letters patents hath used and put in ure in and about the making and consecrating of the said archbishops and bishops, it is and may be very evident and apparent, that no cause of scruple, ambiguity or doubt, can or may justly be objected against the said elections, confirmations or consecrations, or any other material thing meet to be used or had in or about the same; but that every thing requisite and material for that purpose hath been made and done as precisely, and with as great a care and diligence,

The Queen by her supream authority caused divers persons to be elected and consecrated archbishops and bishops.

The Queen's dispensation of all doubts of imperfections or disability of electing bishops.

gence, or rather more, as ever the like was done before her Majesty's time, as the records of her Majesty's said father and brother's time, and also of her own time, will more plainly testify and declare :

III. Wherefore for the plain declaration of all the premisses, and to the intent that the same may the better be known to every of the Queen's majesty's subjects, whereby such evil speech as heretofore hath been used against the high state of prelacy may hereafter cease, (2) be it now declared and enacted by the authority of this present parliament, That the said act and statute made in the first year of the reign of our said sovereign lady the Queen's majesty, whereby the said book of common prayer and the administration of sacraments, with other rites and ceremonies, is authorized and allowed to be used, shall stand and remain good and perfect, to all respects and purposes: (3) and that such order and form for the consecrating of archbishops and bishops, and for the making of priests, deacons and ministers, as was set forth in the time of the said late King Edward the Sixth, and added to the said book of common prayer, and authorized by parliament in the fifth and sixth years of the said late King, shall stand and be in full force and effect, and shall from henceforth be used and observed in all places within this realm, and other the Queen's majesty's dominions and countries:

A confirmation of the statute of 1 El. c. 2. touching the book of common prayer and administration of the sacraments.

A confirmation of the statute of 5 & 6 Ed. 6. c. 1. touching the form of consecrating archbishops, &c.

IV. And that all acts and things heretofore had, made or done by any person or persons in or about any consecration, confirmation or investing of any person or persons elected to the office or dignity of any archbishop or bishop within this realm, or within any other the Queen's majesty's dominions or countries, by virtue of the Queen's majesty's letters patents or commission sithence the beginning of her Majesty's reign, be and shall be by authority of this present parliament declared, judged and deemed at and from every of the several times of the doing thereof, good and perfect to all respects and purposes; any matter or thing that can or may be objected to the contrary thereof in any wise notwithstanding.

All acts done by any person about consecration or investing any person elected to be bishop by virtue of the Queen's letters patents sithence the beginning of her reign, shall be good.

V. And that all persons that have been or shall be made, ordered or consecrated archbishops, bishops, priests, ministers of God's holy word and sacraments, or deacons, after the form and order prescribed in the said order and form how archbishops, bishops, priests, deacons and ministers should be consecrated, made and ordered, be in very deed, and also by authority hereof declared and enacted to be, and shall be archbishops, bishops, priests, ministers and deacons, and rightly made, ordered and consecrated; any statute, law, canon or other thing to the contrary notwithstanding.

All persons made and to be made bishops, priests, ministers, &c. according to the stat. of 5 & 6 Ed. 6. c. 1. be rightly made. 39 El. c. 8.

VI. Provided always and nevertheless be it enacted by the authority aforesaid, That no person or persons shall at any time hereafter be impeached or molested, in body, lands, livings or goods, by occasion or mean of any certificate by any archbishop or bishop heretofore made, or before the last day of this present session of parliament to be made, by virtue of any act made in the first session of this present parliament, touching or concerning the refusal of the oath declared and set forth by act of parliament in

No person shall be impeached by any certificate of any bishop heretofore made, touching the oath of supremacy made 1 El. c. 1.

the first year of the reign of our said sovereign lady Queen Elizabeth; any thing in this act, or any other act or statute heretofore made to the contrary notwithstanding.

VII. And that all tenders of the said oath, made by any archbishop or bishop aforesaid, or before the last day of this present session to be made by authority of any act established in the first session of this present parliament, and all refusals of the same oath so tendred, or before the last day of this present session to be tendred, by any archbishop or bishop, by authority of any act established in the first session of this present parliament, shall be void and of none effect or validity in the law.

CAP. II.

An act for the avoiding of wrongful vexation touching the writ of Latitat.

The defendant shall recover costs and damages where the plaintiff doth delay or discontinue his suit, or is nonsuit, &c. 1 Roll. 371. The inconvenience of pursuing of suits upon malice without just cause.

WHERE divers persons of their malicious minds, and without any just cause, do many times cause and procure others of the Queen's majesty's loving subjects, to be very much molested and troubled by attachments and arrests made of their bodies, as well by process of latitat, alias and pluries capias, sued out of the court commonly called the King's bench, as also by plaint, bill or other suit in the court commonly called the Marshalsea, and within the city of London, and other cities, towns corporate, and places where any liberty or privilege is to hold pleas of debt, trespass, and other personal actions and suits: (2) and when the parties that be arrested or attached are brought forth to answer to such actions and suits as should be objected against them, then many times there is no declaration or matter laid against the parties so arrested or attached, whereunto they may make any answer; (3) and so the party arrested is very maliciously put to great charges and expences, without any just or reasonable cause: and yet nevertheless, hitherto, by order of the law, the party so grieved and vexed could never have any costs or damages to him to be judged or awarded for the said unjust vexation and trouble:

II. For remedy whereof, Be it enacted and ordained by the authority of this present parliament, That when and as often as any person and persons, after the first day of January next coming shall sue forth, or by any means cause or procure to be sued forth, of the said court commonly called the King's bench, any of the writs or process before mentioned, against any person or persons which upon the same writ or writs shall happen to be arrested, or which shall appear upon the return of any of the said writs or process, (2) and shall put in his or their bail or bails to answer such suit as shall be objected against him, according to the common order of the court; (3) that then in every such case, if the party or parties at whose suit, means or procurement, the same writ, writs or process was obtained or sued forth, do not within three days next after such bail had and taken, put into the same court his or their declaration against the same party or parties against whom such writs or process hath been or shall be sued; (4) or if after declaration had and put into the same court, the plaintiff in such case shall not prosecute the same with effect, but shall willingly and apparently to the same court suffer his or their said suit to be delayed; (5) or shall after declaration so had, suffer the

Costs, damages and charges shall be awarded, where the plaintiff doth delay his suit, doth discontinue, or is nonsuit, in the King's bench. r. c. 15.

same suit to be discontinued, or otherwise shall be nonsuit in the same; (6) that then in every such case, the judges of the said court for the time being shall by their discretions from time to time, as they shall see or perceive any such default to be in the party or parties at whose suit, means or procurement such writs or proceses was sued forth, award and judge to every such person and persons so arrested, vexed, molested or troubled by such writs or suit, his and their costs, damages and charges by any means sustained by occasion of any such writs, proceses, arrests or suits, taken, sued or had against him, to be paid by such person or persons that so doth or shall cause or procure any such writs or proceses to be sued forth, as is aforesaid.

III, And be it further enacted by the authority aforesaid, That if any person or persons shall after the said first day of *January* cause or procure any other person or persons to be attached or arrested to answer to any bill, plaint, action or suit, in the said court of the marshalsea, or in any court within the said city of *London*, or in any city, borough, town corporate or other place or places, where any liberty or privilege is used to hold plea in any action or actions personal, and do not, in all courts having their continuance *de die in diem*, within three days next after such time as the party defendant or defendants shall be bailed, or otherwise appear in court, by force of any arrest or attachment had and returned, and in all other courts, at the next sessions or court to be holden after such arrests or attachments, and appearance of the party defendant or defendants, whereas the said party defendant or defendants shall be compelled or ought to appear, (unless a further day shall be specially given by the discretion of the court from whence any precept, proces or attachment shall be awarded) put and exhibit his bill or declaration against such person or persons, as so by his suit or means shall be attached or arrested, into such court where the party by such attachment or arrest is compelled or ought to appear: (2) or if any such person or persons, at whose suit and means any such attachment or arrest of any person or persons shall be so had and made, after his declaration, bill or plaint exhibited, do not from thenceforth prosecute the same his suit with effect, or shall suffer the same to be discontinued, or shall after be nonsuit in the same, or willingly and apparently to the same court, shall for vexation of the defendant in such suit delay the same suit: (3) that then in every such case the judge or judges of every such court before whom any person or persons shall be so sued, molested or troubled by occasion or mean of such attachment or arrest, or by such suit or suits, shall forthwith by his or their discretion, from time to time, as he or they shall see or perceive any such default or delay in the party that caused or procured any such attachment or arrest to be had, award and judge to every such person or persons, which after the said first day of *January* shall be so attached, arrested, molested, vexed or troubled, his costs, damages and charges, by any means sustained by occasion of any such attachment, arrest or suit, so had and taken against him, to be paid by such person or persons

4 Jac. 1. c. 3.
Cro. El. 69.
Cro. Jac. 111.

A remedy if the plaintiff do delay, discontinue, or is nonsuit in the marshalsea, or any city or town corporate.

fons that so doth or shall cause or procure any such attachment or arrest to be so had or made.

The penalty for arresting of any person at the suit of another not knowing thereof. Cro. Jac. 188. Lutw. 166.

IV. And if any person or persons at any time after the said first day of *January* shall by any way or mean, maliciously, or for vexation and trouble, cause or procure any other person or persons to be arrested, or attached to answer in any the courts or places aforesaid, at the suit or in the name of any person or persons, where indeed there is no such person or persons known, or without the assent, consent or agreement of such person or persons, at whose suit or in whose name such arrest or attachment is or shall be so had and procured; that then every such person and persons, that shall so cause or procure any such arrest or attachment of any other person or persons to be had or made for vexation or trouble, as is aforesaid, and shall thereof be convicted or lawfully accused by indictment, presentment, or by the testimony of two sufficient witnesses or more, or other due proof, shall for every such offence by him or them committed, done or procured, have and suffer imprisonment of his or their body or bodies by the space of six months without bail or mainprize: (2) and before he or they shall be delivered out of prison, shall pay unto the party or parties so arrested or attached by his or their means or procurement, treble the costs, charges, damages and expences that he or they shall be put unto by reason or occasion of such arrest or attachment so had; (3) and shall also forfeit and pay unto such person or persons, in whose name or at whose suit he or they shall so procure such arrest or attachment to be had or made, if then there shall be any such person known, the sum of ten pounds for every such offence.

A remedy to recover the costs and damages awarded.

V. And be it further enacted by the authority aforesaid, That every person and persons to whom any costs, charges, damages, forfeiture or payment of any sum or sums of money by authority of this act shall be awarded, judged or forfeited, shall and may at all times hereafter have his or their remedy for the recovery thereof, by action of debt, bill or plaint, in any court of record against such person or persons, their heirs, executors or administrators, as should or ought to pay the same by virtue or force of this act; in which action, bill or plaint, no essoin, protection or wager of law shall be admitted or allowed to any the defendant or defendants in the same.

C A P. III.

An act against carrying over sea, rams, lambs or sheep alive.

Penalty for conveying of any sheep alive out of this realm. 3 Inst. 104.

FOR sundry good causes and considerations moved in this high court of parliament, be it enacted by the authority of the same, That no manner of person or persons, of what estate, degree or condition soever he or they be, shall after the last day of *February* next ensuing, bring, deliver, send, receive or take, or procure to be brought, delivered, sent or received, into any ship or bottom, any rams, sheep or lambs or any manner of other kind of sheep, being alive, to be carried and conveyed out of this realm of *England, Wales* or *Ireland*, or out of any the Queen's highness dominions; (2) upon the pain that every such person or persons, their aiders, abettors, procurers and comforters, shall

for

for his or their first offence or offences, so done contrary to the true meaning of this statute, forfeit and lose all his goods for ever; wherof the one moiety shall be to the Queen's majesty, her heirs and successors, the other moiety to him or them that will sue for the same in any court of record, wherein no essoin, protection nor wager of law for the defendant shall be admitted or allowed.

II. And further, every such offender or offenders shall suffer ^{3 Inst. 46.} imprisonment by the space of one whole year, without bail and mainprise, and at the year's end shall in some open market-town, in the fulness of the market on the market-day, have his left-hand cut off, and that to be nailed up in the openest place of such market: (1) and that every person or persons estfoons of-^{The second offence felony.} fending against this statute shall be adjudged a felon, and shall suffer death as in cases of felony.

III. Provided always, That this act shall not extend to any ^{No corruption of blood or forfeiture of dower.} corruption of blood, or be prejudicial or hurtful to any woman claiming dower by or from any such offender or offenders; any thing in this act to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That ^{What justices may hear and determine the offences aforesaid.} the justices of oyer and terminer, justices of gaol-delivery, and justices of peace in every county and shire within this realm of England and Wales, and other the Queen's majesty's dominions, shall have full power and authority by virtue of this act, to enquire of every offender and offenders contrary to the form and effect of this act, and to hear and determine every offence and offences committed, perpetrated and done contrary to the form and effect of the same, according to the course of the laws of this realm. 3 H. 6. c. 2.

CAP. IV.

An act to take away the benefit of clergy from certain offenders for felony.

WHere a certain kind of evil-disposed persons, commonly called Cut-purses or pick-purses, but indeed by the laws of this land, very felons and thieves, do confeder together, making among themselves as it were a brotherhood or fraternity of an art or mystery, to live idly by the secret spoil of the good and true subjects of this realm; (2) and as well ^{The impudent boldness of cut-purses and pick-purses.} at sermons and preachings of the word of God, and in places and time of doing service and common prayer in churches, chapels, closets and oratories, and not only there, but also in the Prince's palace, house, yea and presence, and at the places and courts of justice, and at the times of ministration of the laws in the same, and in fairs, markets and other assemblies of the people, yea and at the time of doing of execution of such as been attainted of any murder, felony or other criminal cause, ordained chiefly for terror and example of evil-doers, do without respect or regard of any time, place or person, or of any fear or dread of God, or any law or punishment, under the cloak of honesty by their outward apparel, countenance and behaviour, subtilly, privily, craftily and feloniously take the goods of divers good and honest subjects from their persons, by cutting and picking their purses and other felonious sleights and devices, to the utter undoing and impoverishing of many:

II. Be it therefore enacted by the authority of this present ^{He that taketh par-} away privily

from the per-
son of another
money or
goods, shall
not have his
clergy, &c.
2 Roll. 154.

parliament, That no person or persons which hereafter shall happen to be indicted or appealed for felonious taking of any money, goods or chattels from the person of any other, privily without his knowledge, in any place whatsoever, and thereupon found guilty by verdict of twelve men, or shall confess the same upon his or their arraignment, or will not answer directly to the same according to the laws of this realm, or shall stand wilfully or of malice or obstinately mute, or challenge peremptorily above the number of twenty, or shall be upon such indictment or appeal outlawed, shall from henceforth be admitted to have the benefit of his or their clergy, but utterly be excluded thereof, and shall suffer death in such manner and form as they should if they were no clerks.

Where one
shall be ar-
raigned for a
former of-
fence, having
his clergy for
a latter.

18 Eliz. c. 7.
25 Ed. 3. stat.
3. c. 5.
Poph. 107.

III. *And also whereas divers persons do oft-times commit and do divers and sundry detestable murders, heinous robberies and felonies and other capital offences, for the which clergy is not allowable by the laws and statutes of this realm, and after the same offences so done either fly out of the county or other parts of this realm into the parts beyond the seas, or keep themselves secret in other places where they are not known for a great time, and after happen to commit some other felony for the which they may have their clergy, and being arraigned for the same have their clergy to them allowed, and thereupon committed to the custody of the ordinary according to the law and custom of this realm, the former offence wherein clergy is not grantable being not then known; (2) and so by that means cannot after be impeached for the said other horrible and great offences by the law and custom of this realm, to the great encouraging of offenders using such practices of foreknowledge and set purpose, for their discharge of the same:*

IV. For reformation whereof, Be it further enacted by the authority aforesaid, That every person or persons which shall hereafter upon his and their arraignment for any felony be admitted to the benefit of his clergy by the laws of this realm, and delivered to the ordinary for the same, and shall make his due purgation for the same offence or offences whereupon he was so admitted to his clergy, and shall before the same admission to his clergy have committed any other such offence whereupon clergy by the laws or statutes of this realm is not allowable, and not being thereof before indicted and acquitted, convicted or attainted, or pardoned, shall and may be indicted or appealed for the same, and thereupon put to answer, and ordered and used in all things according to the laws and statutes of this realm, in such like manner and form as though no such admission of clergy had been; any law, custom or usage to the contrary notwithstanding.

C A P. V.

For the avoiding of tedious suits in civil and marine causes.

A sentence
definitive in a
civil and ma-
rine cause by
delegates ap-

FOR the avoiding as well of long and tedious suits, as also of great charges and expences in prosecuting of civil and marine causes, by reason of divers appeals permitted to be made by order of the laws civil in such causes, and to the intent that as well strangers, as also others

others the subjects of this realm, that shall have cause of suit in those matters, may have such expedition in the same as their natures and qualities do require, Be it enacted by the Queen's majesty our sovereign lady, the lord's spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from the last day of this present session of parliament, all and every such judgment and sentence definitive, as shall be given or pronounced in any civil and marine cause, upon appeal lawfully to be made therein to the Queen's majesty in her Highness court of chancery, by such commissioners or delegates as shall be nominated and appointed by her Majesty, her heirs or successors, by commission under the great seal, as it hath been heretofore used in such cases, shall be final, and no further appeal to be had or made from the said judgment or sentence definitive, or from the said commissioners or delegates for or in the same; any law, usage or custom to the contrary notwithstanding.

C A P. VI.

An act touching cloth-workers, and clothes ready wrought to be shipped over sea.

FOR the better employment and relief of great multitudes of the Queen's subjects, using the art and labour of cloth-working, It may please the Queen's most excellent majesty, at the most humble suits of her said subjects, that it be enacted;

II. And be it enacted by authority of this present parliament; That from henceforth for every nine clothes unwrought, hereafter to be shipped or carried into any the parts beyond the seas, contrary to the form of any statute heretofore made and now remaining in strength, by force of any licence hereafter to be granted, the party that shall ship and carry over the same, shall ship and carry over also one like woollen cloth of like sort, length, breadth and goodness, ready wrought and dressed; that is to say, rowed, barbed, first coursed and shorn from the one end to the other, so that every tenth cloth passing over the seas in form aforesaid, may and shall be dressed within this realm, before the same shall be shipped or transported over, (2) upon pain to forfeit for every such nine clothes so to be shipped or transported contrary to the meaning of this act, ten pounds.

III. Provided always, That every such tenth cloth so to be transported ready wrought, shall not be accounted any of the clothes permitted to be transported by force of such licence, but that such person as shall have such licence may transport according to such licence the full number of clothes unwrought mentioned in the same licence, over and above the number of such tenth clothes which they shall be compelled to ship and carry over by force of this statute.

IV. And be it further enacted by authority aforesaid, That from the last day of *February* now next coming, no person shall ship or carry into the parts beyond the seas, contrary to the form of any statute heretofore made, now remaining in force, any

pointed by
commission
shall be final.
1 Roll. 300.
4 Inst. 135.

No Kentish nor
Suffolk clothes
shall be trans-
ported un-
wrought; and
for every nine
clothes un-
wrought,
transported
by licence,
one cloth shall
be wrought of
like sort,
length,
breadth and
goodness.
7 Ed. 4. c. 3.
3 H. 7. c. 11.
27 H. 8. c. 13.
33 H. 8. c. 19.

The tenth
cloth shall not
be included in
the licence.

Kentish or
Suffolk cloth
shall not be
transported
unwrought by
any licence.

any cloth commonly called *Kentish* cloth or *Suffolk* cloth, made or to be made in the counties of *Kent* or *Suffolk*, unwrought and undressed within this realm; that is to say, not rowed, barbed, first courfed and shorn; (2) upon pain to forfeit for every such cloth, commonly called *Kentish* or *Suffolk* cloth, made or to be made in either of the said counties so to be shipped or transported contrary to the form of this statute, forty shillings.

V. And that no licence for transporting of any cloth or clothes shall be construed or expounded to extend to any such *Kentish* or *Suffolk* cloth, made or to be made in either of the said counties to be from henceforth transported.

Who shall have the forfeiture, and by what means.

VI. And that all the forfeitures appointed by this statute for transporting of clothes shall be the one moiety to the Queen's majesty, her heirs and successors, and the other moiety to the master and wardens of the said company of cloth-workers, to the relief of the poor of the said company, to be recovered in any court of record, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law for the defendant shall be admitted or allowed.

to An. c. 16.

C A P. VII.

An act touching drapers, cottoners and frizers of Shrewsbury.

Who may use the trade or occupation of drapers in Shrewsbury, or the liberties thereof, &c.

What benefit the same company have received and done to others by buying and selling of Welsh cloth and lining.

The inconveniences that unskilful persons do, that deal in a trade whereof they are ignorant.

FORASMUCH as in the town of Shrewsbury in the county of Salop there hath been time out of mind of man, and yet is, a company, fraternity or guild of the art and mystery of drapers, which said company, fraternity or guild, hath been by a great time lawfully incorporated and made a body politick: (2) which said corporation and fraternity hath by reason of a certain trade and occupation of buying and selling of Welsh cloth and lining, commonly called cottons, frizes and plains, which they have had and used amongst them, been able not only to live thereby, but also have at their common costs provided houses and other necessaries for poor people within the said town of Shrewsbury, whom also with further relief they do weekly help and maintain: (3) and by the same their trade aforesaid have used most commonly to set on work above six hundred persons of the art or science of sheermen or frizers, within the said town of Shrewsbury, whereby as well they, as their poor wives and families, are wholly maintained and kept: (4) to the impeachment and hindrance of which said trade divers artificers, and other persons within the said town of Shrewsbury, not being of the said company or mystery, nor brought up in the use of the said trade, have of late with great disorder, upon a meer covetous desire and mind, intromitted with and occupied the said trade of buying Welsh cloth or lining, having no knowledge, experience or skill in the same; by reason whereof the said ignorant and unskilful persons have and do buy commonly and daily such Welsh cloth and linings as is defective, and not truly made according to the good laws and statutes of this realm in that behalf provided: (5) by means whereof the said trade is greatly decayed and discredited, to the great loss and hindrance of such poor sheermen and frizers as were wont to be set on work thereby, and of all others that were wont to be maintained and relieved by the said trade, as well in making as working of

of the said frizes, cottons and plains, and to the great deceit, damage and hindrance of all the Queen's majesty's subjects that buy and provide the same, and to the slander and discredit of the said commodities in foreign parts, where by the occasion aforesaid they are grown out of estimation and credit.

II. And where moreover in the parliament holden at Westminster in the fourth and fifth years of the reign of our late sovereign lord and lady King Philip and Queen Mary, upon good and deliberate advice, amongst other things it was enacted, That no person or persons which should buy to sell again, by way of retail or otherwise, any of the said Welsh linings, should dress or work, or cause to be dressed and wrought within his or their dwelling house or houses, or in any other place by himself or his servant, any of the said Welsh linings, but should put the same to some such person or persons as should be of the art or science of sheermen, cottoners or frizers, to be by them wrought and dressed, upon pain of forfeiture for every Welsh cloth or lining frized or cottoned to the contrary, six shilling and eightpence, as in the same act doth appear: (2) *sihense* which time divers persons for the defrauding of the said statute have caused others to buy the said frizes, cottons and plains, and then to take the workmanship thereof unto themselves of such buyers, using the like fraud by buying and turning work over unto the same persons of whom they receive work, to the manifest defrauding of the good intent and meaning of the said statute:

The good intent of the statute of 4 & 5 Ph. & M. c. 5.

By what fraudulent means the good intent of the said statute is defeated.

III. For remedy whereof, and for the benefit and relief of the poor men that be sheermen and frizers, (2) be it enacted by the authority of this present parliament, That from and after the feast of *Easter* next ensuing no manner of person or persons whatsoever, inhabiting and dwelling within the said town of *Shrewsbury*, or the liberties and franchises of the said town, other than such as have or shall have served as apprentices in the said occupation and science of drapers, or be or shall be free of the said science or mystery, shall occupy, use, exercise or frequent the said trade, art, mystery or science of buying of the said *Welsh* cloth or lining, cottons, frizes and plains, nor have any factor or doer for him or them in the same, nor by any colour, engine or fraud, be any occupier of the said frizes, cottons and plains, (3) upon pain that every person and persons inhabiting as is aforesaid, and occupying, using or exercising the said trade, occupation or science of buying of *Welsh* cloth and lining, and not authorized by this present act, shall lose and forfeit for every piece of the same clothes so bought, six shillings and eightpence.

No person inhabiting in *Shrewsbury* shall occupy the trade of buying of *Welsh* cottons, &c. unless he be free thereof.

Repealed by 14 Eliz. c. 12.

IV. And over that, be it further enacted, That no person dwelling and inhabiting as is aforesaid, and using and occupying the said trade of buying of frizes, cottons or plains, shall use or exercise the faculty of frizing or cottoning, upon pain to incur such like forfeitures for every offence, as is above-mentioned: (2) the moiety of all which pains and forfeitures above-mentioned shall be to our sovereign lady the Queen, her heirs and successors, and the other moiety to such person and persons as will sue for the same, in any court of record, by action, bill or plaint

He that occupieth the trade of buying of frizes, cottons, &c. shall not exercise the faculty of frizing or cottoning.

plaint of debt ; wherein no protection, essoin, injunction or waiver of law shall be allowed and admitted.

A proviso for them that did before occupy the trade of buying of Welsh cloth.

V. Provided always, and be it further enacted by the authority aforesaid, That this present act, or any thing, sentence or matter therein contained, shall not extend or be in any wise prejudicial or hurtful to any such person or persons as have heretofore used, occupied or frequented the said trade, art, mystery or science of buying or selling of *Welsh* clothes or linings aforesaid, but that every such person or persons which hath or have used the said trade or science as is aforesaid, shall and may have and enjoy the like benefit, commodity and advantage, as well in buying and selling the said *Welsh* clothes and linings as otherwise, in as large, free and ample manner and form, as if this act had never been made.

Occupiers of the trade of buying and selling Welsh cloth shall pay to their sheermen ready money.

VI. And further, to the intent the said poor sheermen, frizers and cottoners, may be the better relieved and maintained, (2) be it enacted by the authority aforesaid, That all and every person and persons occupying and using, or which hereafter at any time shall occupy or use, the said trade, science or art of buying and selling of *Welsh* cloth and linings aforesaid, and shall from the feast of *Easter* next ensuing deliver any *Welsh* cloth or linings aforesaid to be cottoned, frized, dressed or wrought, to any sheerman, cottoner or frizer, shall deliver, content and pay to the said sheerman, cottoner or frizer, ready and present money for all his said work, without any colour, fraud or engine whatsoever, and shall not deliver any ware or other thing whatsoever in contentation or satisfaction of his said work or any part thereof ; (3) upon pain that every person offending in this behalf shall forthwith lose all such liberties, freedoms and privileges, which he hath or shall have as one of the said company, fraternity or guild of the said art and mystery of drapers, and also shall for ever after be utterly disabled and excluded to use, occupy or enjoy, by himself or by any other for him, or to his use, the said trade, art, mystery or science of buying or selling of *Welsh* clothes or linings ; this act, or any other matter or thing whatsoever to the contrary in any wise notwithstanding.

CAP. VIII.

An act for the repeal of a branch of a statute made anno 32 H. 8. touching the stature of horses.

The statute of 32 H. 8. c. 13. mentioning the height of horses feeding upon the marsh grounds of the counties of Hunting-ton, Cambridge, Lincoln, &c. and what height

WHERE at a parliament holden at Westminster the two and thirtieth year of the reign of the most victorious prince of famous memory, King Henry the Eighth, most dear father unto the Queen's most excellent highness, our sovereign Lady that now is, amongst other things it was ordained, established and enacted by the said late King, with the assent of the lords spiritual and temporal, and the commons, of the same parliament assembled, for the increase and breed of greater and stronger horses from thence after to be had within this realm of England, That no commoner or commoners within any forest, chase, moor, marsh, heath, common or waste ground, nor any officer or officers of or within any of the said forests or chases,

nor any other person or persons whatsoever he or they be, at any time after the last day of March, which should be in the year of our Lord God one thousand five hundred and forty-three then next following the session of the same, should have or put to pasture into or upon any such ground, forest, chase, moor, marish, heath, common or waste ground, any stoned horse or horses being above the age of two years, and not being of the altitude and height of fifteen handful, to be measured from the lowest part of the hoof unto the higher part of the wither, and every handful to contain four inches of the standard, to pasture, feed or to be nourished in or upon any of the said forests, chases, commons, moors, marishes, heaths or waste grounds, within any of the shires and territories of Norfolk, Suffolk, Cambridge, Buckingham, Huntington, Essex, Kent, Southampton, North-wilshire, Oxford, Bark, Worcester, Gloucester, Somerset, North-Wales, South-Wales, Bedford, Warwick, Northampton, York-shire, Cheshire, Stafford, the county of the city of York, the town and liberties of Gloucester, the county of the town of Kingston upon Hull, the county palatine of Lancaster, the county of Salop, Leicester, Hereford and Lincoln, or within any of them; (2) nor shall put to feed or pasture any stoned horse or horses, being above the said age of two years, and not being in height of fourteen handful to be measured as is above-said, within or upon any like ground or grounds as hath been above-written, lying or being within any other shire of this realm, neither yet any of them, (3) upon pain of forfeiture and loss of the said horse or horses which should be found in or upon any such ground, forest, chase, moor, marish, heath, common or waste grounds, at any time after the said last day of March, which was in the year of our Lord God one thousand five hundred and forty-three, contrary to the form of the said late estatute, and further as by the said estatute more fully and at large may appear: (4) by reason whereof, The inconveniencies which ensued to divers persons by the statute of 32 H. 8. c. 13.

and since which time, divers and sundry great and manifold hurts, hindrances and losses have happened and chanced as well to the inhabitants of the moors, marishes and fenn-grounds within the isle of Ely, situate, lying and being in the said county of Cambridge, as also to the inhabitants of other the moors, marishes and fenn-grounds within the said shire, together with the counties of Huntington, Northampton, Lincoln, Norfolk and Suffolk, next adjoining and bordering upon the same isle: for that the said moors, marishes and fenn-grounds, because of the rottenness, unfirmness, moisture and waterishness, were never able ne yet are to breed, bear or bring forth such great breed of stoned horses, of such bigness and high stature as within the aforesaid statute are expressed, without danger and peril of the mairing, drowning and perishing of the same: (5) whereupon many promoters taking occasion by reason of the aforesaid estatute, have as well entred into the said isle, as also other the moors, marishes and fenn-grounds, in all the country next bordering and adjoining unto the same, and taken away by virtue and purvey of the said estatute from divers poor men, not being able otherwise to remedy the same, their horse, not being comparable of like stature to the said estatute, as well to the great loss and hindrance of all the breed of horses there, no man daring to put any such forth on the said grounds, for fear of such persons;

sons; as also to the utter subversion and decay of all the tillage and carriage within the said isle and others the countries round about the same, in time to come.

A repeal of so much of the statutes of 32 H. 8. c. 13. as doth concern certain counties and places.

II. For reformation and redress whereof, be it enacted by the Queen our sovereign lady, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That as much of the aforesaid estatute made in the said two and thirtieth year of King Henry the Eighth, or yet any part, branch or article or any parcel thereof, touching or concerning any the marishes and seggy fen-grounds within the said isle, situate, lying and being in the said county of Cambridge, together with all other the marishes and seggy fen-grounds within the said shires of Cambridge, Huntingdon, Northampton, Lincoln, Norfolk and Suffolk, shall be from henceforth utterly repealed, frustrate, void and of none effect in the law; any thing in the said former act expressed to the contrary notwithstanding.

Of what height horses shall be that feed upon the commons in the isle of Ely, &c.

III. Nevertheless be it ordained and enacted by the authority of this present parliament, That no person or persons whatsoever he or they be, at any time after the last day of March next coming, shall have or put to pasture into or upon any marish or seggy fen-ground within the said isle of Ely, or into or upon any marish or seggy fen-grounds within the said counties of Cambridge, Huntingdon, Northampton, Lincoln, Norfolk and Suffolk or any of them, any stoned horse or horses, being above the age of two years, and not being of the altitude and height of thirteen handful, to be measured from the lowest part of the hoof of the forefoot, unto the higher part of the wither, and every handful to contain four inches of the standard, to pasture, feed or to be nourished in or upon any the said marishes or seggy fen-grounds within the said isle, and within the said counties of Cambridge, Huntingdon, Northampton, Lincoln, Norfolk and Suffolk or any of them, upon such and the like pain as by the said former act is limited and expressed.

CAP. IX.

An act to repeal a branch of the statute made in the twenty-third year of King Henry the Eighth, touching the prices of barrels and kilderkins.

So much of the statute of 23 H. 8. c. 4. as concerneth the prices of vessels for ale and beer, repealed, &c.

IN their most humble wise shewen unto the Queen's most excellent majesty, and unto the lords spiritual and temporal, and unto the commons, in this present parliament assembled, the coopers of the city of London and of all other cities and towns within this realm of England, That where in the parliament holden by prorogation at Westminster the fifteenth day of January in the three and twentieth year of the reign of the late King of famous memory, King Henry the Eighth, father to our said sovereign lady the Queen's highness that now is, there was one statute made and enacted, intituled, An act that no-brewers of beer or ale shall make their barrels, kilderkins nor firkins within them; and how much the same barrels, kilderkins and firkins shall contain: (2) in which statute, amongst other things therein contained, it is enacted, That no artificer of the coopers shall inhaunce the prices

prices of any such barrels, kilderkins, firkins or other vessels, in the sale of them to any ale-brewer or beer-brewer, or other person, as in the said act are mentioned, but should keep the rates of such prices as in the same act are expressed, and not above; (3) upon pain to forfeit for every barrel, kilderkin and firkin defective or inhaunched in price, in any point contrary to the said act, three shillings and four pence: (that is to say) for every beer-barrel, nine pence; for every beer-kilderkin, five pence, and for every beer-firkin, three pence: and the ale-barrel, sixteen pence; the ale-kilderkin, nine pence, and the ale-firkin, five pence; as by the same act, amongst divers other things therein contained, more fully and at large doth and may appear: (4) since which time the cloveboard and stuff whereof the said vessels and the hoops thereof should be made, are risen and grown to such excessive prices, that such as do make the said vessels cannot make and sell any such barrels, kilderkins, firkins or other vessels, at the prices expressed in the said estatute, but to their great loss and hinderance, whereby the mystery, trade and faculty of the said coopers is utterly overthrown, to the impoverishment and utter undoing of them, their wives, children and families, as is most evident:

II. Forasmuch as at the time of the making of the said estatute, the coopers might have bought a thousand of barrel-boards for twelve shillings or thirteen shillings and four pence; and a thousand of kilderkin-boards for nine shillings or ten shillings; and a load of hoops for nine shillings or ten shillings; and now a thousand of barrel-boards cannot be bought under three and thirty shillings and four pence, and forty shillings; and a thousand of kilderkin-boards under six and twenty shillings and eight pence; and a load of hoops under three and thirty shillings and four pence, and forty shillings; as is right well and notoriously known:

III. Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That as much of every article, clause and sentence comprized in the said estatute made in the said three and twentieth year of the reign of the said late King, as doth touch and concern the prices of barrels, kilderkins, firkins and other vessels, and all and every pain and forfeiture expressed and declared in the said act, for selling of any of the said kind of vessels above the prices before specified, from the time of new prices to be set in form hereafter expressed, for such places only as the same new prices shall be set, shall be clearly repealed, frustrate and made void.

IV. And that from henceforth the prices of all barrels, kilderkins, firkins and other vessels to be sold for ale, beer or soap to be uttered therein, shall be rated and taxed by mayors, bailiffs and other head officer or officers of every city and town corporate, where any such vessels shall be made or offered to be sold.

V. And where such vessels shall be made or sold out of any city, borough or town corporate, the prices thereof shall be rated and taxed by the justices of the peace, or the more part of them, being present in the general quarter-sessions yearly next after Easter, at such reasonable prices as they shall think reasonable by their discretions; the said estatute made in the said three and twentieth year of the reign of the said late King Henry the Eighth,

The difference between the old and new prices of barrel-boards and hoops.

A repeal of so much of the statutes of 23 H. 8. c. 4. as toucheth the prices of vessels for ale and beer.

Who shall rate the prices of vessels for ale and beer.

or any other law, custom or usage to the contrary thereof in any wife notwithstanding.

The forfeiture of coopers not selling their vessels at the prices rated.

VI. And be it further enacted, That if the said coopers or any of them shall not make sale according to such prices as shall be rated, as is aforesaid, after proclamation thereof made, that then every person and persons so offending shall for the same incur the pains and forfeitures mentioned in the said estatute made the said three and twentieth year of the reign of the said late King; that is, to wit, for every barrel, kilderkin and firkin which shall be sold at greater price than shall be rated and taxed as is aforesaid, the sum of three shillings and four pence of lawful money of England, whereof the one moiety to be to the Queen's highness, her heirs and successors, and the other moiety to such person or persons as will sue for the same by action of debt in any court of record, wherein no protection, esoin or wager of law shall be allowed or admitted.

C A P. X.

An act for bowyers.

So much of the statutes made in the 22 Ed. 4. c. 4. 3 H. 7. c. 13. 31 H. 8. c. 9. as concerns the prices of bows, repealed.

MOST humbly complaining sheweth unto your Highness, and to your high court of parliament, your obedient subjects, the bowyers dwelling and inhabiting within the city of London and the suburbs of the same, That where in the parliament of the late King of most famous memory, King Henry the Eighth, begun and holden at Westminster the sixteenth day of January in the three and thirtieth year of the reign of the said late King, and there continued until the first day of April then next following, there was one act and statute then made and provided, intituled, An act for the maintenance of artillery, and debarring of unlawful games; (2) in which act and statute, amongst other things, there is one branch contained and specified, the tenor whereof is as hereafter followeth: That is to say, and to the intent that every person may have bows of mean price, Be it enacted by the authority aforesaid, That every bowyer dwelling out of the city of London shall, after the feast of the purification of our Lady then next coming, for every bow that he maketh of yew make three other bows meet to shoot in of elm, witchhasel, ash and other wood apt for the same, under the pain to lose and forfeit for every such bow so lacking, three shillings and four pence. (3) And every bowyer dwelling within the city and suburbs of London shall, from and after the said feast of the purification of our Lady then next coming, for every bow of yew make two other bows apt for shooting, of ash, elm, witchhasel or other wood meet for the same, under the like pain and forfeiture, as by the said statute more plainly it doth and may appear. (4) And although the said branch of the said statute be needful and expedient to remain and continue for such bowyers as do dwell and inhabit in the country and other places out of the city of London, and the suburbs of the same; yet forasmuch as there be very few or no bows of elm, witchhasel or ash, or of any other wood than only of yew, used or occupied by any person within the said city and suburbs of the same, therefore the said branch of the said act and statute before rehearsed was not, ne is needful to be had and made for the bowyers dwelling within the said city and suburbs.

II. And yet nevertheless your said subjects, for the avoiding of the danger and penalty contained in the said branch, are daily enforced to make such great number of bows of elm, witchhazel and ash, that they cannot in convenient time utter and sell the same, but are constrained to keep such bows by them so made, until they be putrified and not meet for any good use and purpose.

III. By reason whereof, much of the said wood of elm, witchhazel and ash is daily wasted and consumed in making of the said bows, and your said subjects by such losses as they daily sustain in making such bows greatly impoverished, and the commonwealth thereby nothing advanced, but rather hindered.

IV. And where also in the several statutes of the noble King of famous memory, King Edward the Fourth, made in the two and twentieth year of his reign, and in the third year of the reign of King Henry the Seventh, Grandfather to our said sovereign lady the Queen's majesty, and in the said thirty-third year of the reign of our said late sovereign lord King Henry the Eighth, father to our said sovereign Lady, there is mention made of the prices of bows, which at those several times was appointed to be but three shillings and four pence and not above, to sell the best;

V. At which said times such bows might well have been so sold to any person or persons according to the rates and prices expressed in the said several acts, until now within this twenty years, the prices of bow-staves have diversly been raised and enbaunched from five pounds a hundred to twelve pounds, or thereabouts; for which causes the prices contained in the said several statutes cannot be observed; and yet your Majesty's said subjects, the bowyers, are presently in danger of the said several statutes concerning the prices of bows, which they humbly beseech your Majesty, with the assent of your high court of parliament, may be released unto them, and the penalties appointed for the same.

VI. Be it therefore enacted, ordained and established by the Queen's majesty our sovereign lady, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the said estatutes of King Edward the Fourth and King Henry the Seventh concerning the prices of bows, and all the branches contained in the said statute of King Henry the Eighth, so far forth as the same extendeth to the prices of bows therein expressed only, from the first day of this present parliament and so for ever, be thereby clearly repealed and made void and frustrate to all intents, constructions and purposes; (2) and also all and every clause and sentence of the said statute of King Henry the Eighth before-recited, tending to the making of bows of elm, witchhazel, ash and other wood besides yew, before rehearsed, or any penalty therein contained, for any the said last rehearsed premises from henceforth for ever shall not be intended, construed or taken to extend to any bowyer now dwelling or inhabiting, or which hereafter shall happen to dwell or inhabit, within the cities of London and Westminster, or the suburbs of any of them, or in the borough of Southwark in the county of Surry; the said statutes or any thing in them or any of them contained in any wise to the contrary notwithstanding.

A repeal of so much of the statutes of
22 Ed. 4. c. 4.
3 H. 7. c. 13.
& 33 H. 8. c. 9. as do concern the prices of bows, and the making of bows of elm, &c. in London, &c.

A bowyer dwelling in London, or the suburbs, shall have fifty bows of elm, &c.

VII. And be it further enacted by the authority aforesaid, That all and every the said bowyers within the said cities and suburbs of *London* and *Westminster*, and borough of *Southwark*, shall from henceforth from time to time and all times hereafter provide and have in his or their custody the number of fifty good and able bows of elm, witchhazel or ash at the least, well and substantially made and wrought; (2) upon pain that every of the said bowyers which by the space of twenty days shall not have in his custody such number of the said bows of witchhazel, elm or ash ready made and meet to be sold and used as aforesaid, shall hereafter, for every bow lacking of the number aforesaid forfeit ten shillings; the one moiety of which forfeiture shall be to our said sovereign lady the Queen's majesty, and the other moiety thereof shall be to him or them using the art of an armourer, fletcher or maker of bow-strings, that will sue for the same, by action of debt, bill, plaint or otherwise, in any court of record; in which action and suit no protection or wager of law shall in any wise be admitted or allowed for the defendant.

The several prices of several sorts of bows.

VIII. Provided always, and be it enacted by the authority aforesaid, That if any bowyer after the first day of *May* next coming do sell any bows meet for men's shooting, being outlandish yew, and of the best sort, over and above the price of six shillings and eight pence; (2) or do sell any bows meet for men's shooting, being of the second sort, over and above the price of three shillings and four pence; (3) or shall sell any bows meet for men as is aforesaid, being of the coarse sort, called livery-bows, for and above the price of two shillings apiece, or that shall after the said first day of *May* sell any bows being English yew, over and above the price of two shillings the piece; (4) that then the seller or sellers of such bows shall forfeit for every bow so sold over and above the price aforesaid forty shillings, the one moiety thereof to the Queen's majesty, her heirs and successors, and the other moiety to the party using the art of an armourer, fletcher, or maker of bow-strings, that will sue for the same in any court of record, by action of debt, bill, plaint or otherwise, wherein no wager of law, essoin or protection shall be admitted or allowed; any thing in this act or in any other act contained to the contrary in any wise notwithstanding. (5) This act to continue until the last day of the first session of the next parliament. 3 Car. I. c. 4. Continued until the end of the first session of the next parliament: And further continued by 16 Car. I. c. 4.

CAP. XI.

An act for uttering of caps, and for true making of hats and caps.

Who may make hats and caps, and how they shall be made.

WHERE great multitudes of the Queen's majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts, and thereby divers good cities and towns brought to desolation, great plenty of strange commodities

commodities without necessity consumed, and great number of people enforced to depend upon the having of foreign wools, to the discommodity of this realm, the disfurniture of service to be done to the Queen's majesty, and greater evident dangers, if remedy be not provided :

II. It may therefore please the Queen's most excellent majesty, at the lamentable suit and complaint of her said poor subjects, that it be enacted by the authority of this present parliament, That no person, by him or her self, or by any other, shall, after the feast of the nativity of St. *John Baptist* next coming, make or work any felt or hat of or with any foreign wool or stuff, unless such person shall first have been apprentice or covenant-servant to such mystery of felt or hat-making by the space of seven years at the least, upon pain to forfeit all such hats or felts as he shall make, or cause to be made, while he worketh contrary to the form of this act, and five pounds in money for every month that he shall so continue.

None shall work hats with foreign wool, but which hath been apprentice to the mystery of hat-making. Further provisions relating hereto, 1 Jac. 1. c. 17. f. 2.

III. And be it enacted by the authority aforesaid, That from the first day of *April* next coming no person whatsoever shall make, sell or cause to be made or sold, any cap or other thing of felt, but only hats, (2) nor shall make, sell or cause to be made or sold, any cap of any woollen cloth not knit. (3) And that no person after the said first day of *April* shall dye or cause to be dyed black, any cap, with bark or swarf, but only with copperas and gall, or with woad and madder.

Caps of felt, or of woollen cloth not knit. Dying of caps.

IV. And (for the setting of many poor and impotent persons to work, and for the better making of caps) that no person after the said first day of *April* shall thicken or full in any mill, or cause to be thicked or full in any mill, any cap, until such time as the same cap be first well scoured and closed upon the bank, and half thicked at least in the footstock.

Thicking or fulling of caps.

V. And that no man under the degree of a knight, or of a lord's son, shall after the said first day of *April* wear any hat or upper cap of velvet, or covered with velvet, (2) on pain to forfeit for every hat, cap or thing to be made, dyed, thicked, fullled, sold or worn, contrary to the meaning of this act, ten shillings, whereof the one moiety shall be to the Queen's majesty, her heirs and successors, the other moiety to such person then using the feat of cap-making as will sue for the same in any court of record, wherein no essoin, protection or wager of law for the defendant shall be admitted or allowed.

Who only may wear a hat or upper cap of velvet.

Who shall have the forfeiture.

VI. And for the better and truer making of caps or hats within this realm, be it enacted by the authority aforesaid, That it shall be lawful to the master and wardens of the company of haberdashers within the city of *London*, and to their successors for the time being, calling to them one of the company of the cappers, and another of the makers of hats, as often as need shall require, within the said city, or within three miles of the same, to search all and all manner of cappers and makers of hats, and the offenders and defaults by them found to correct and punish by fines, and otherwise, as in like cases they do other

Who may search and reform cappers and hatters.

offenders and defaults within the said company : (2) And that it shall be lawful for all mayors, bailiffs and other head officers, in all other cities and towns corporate, to do the like.

Who may be hat-maker, though he hath not been an apprentice.

VII. Provided always, and be it enacted by the authority aforesaid, That every hat-maker that now is a maker or worker of hats, and being a householder, apprentice, covenant-servant or journeyman, shall or may, during such persons natural life, continue making of hats and felts, albeit such person were not bounden apprentice to the same art for the space of seven years.

How many apprentices hat-makers may take.

VIII. And be it enacted, That no maker or worker of hats shall take or receive any apprentices contrary to the true meaning of this act ; that is to say, above two apprentices at one time, nor those for any less time than seven years at the least, on pain to suffer for every apprentice to be taken or received against the form of this act one month's imprisonment in the common gaol, without bail or mainprise : (2) And that every taking or receiving of an apprentice contrary to this act shall be void ; (3) and also such person so taking or receiving shall be from thenceforth disabled to have any more apprentices than one at one time.

A hat-maker may use his own child.

IX. Provided alway, That nothing in this act shall extend to charge any person allowed to be a felt-maker or hat-maker with any pain or forfeiture, for setting or using his or their own children to the making or working of felts or hats in his or their own houses. Provided that this act shall not extend to any making of hats with worsted yarn in the city of *Norwich*.

CAP. XII.

An act for the aulnegers fees in Lancaster, and for length, breadth and weight of cottons, frizes and rugs.

FOrasmuch as divers clothiers inhabiting within the county palatine of Lancaster, seeking inordinately their own singular gains, have of late practised privily to convey and carry away out of the said county divers cottons, frizes and rugs, there made to be sold, before such time as the Queen's aulneger of the said county hath fixed unto every such cloth the Queen's seal in that behalf appointed, and sometime counterfeiting and setting to such clothes seals of their own, (2) minding thereby not only to defraud the said aulneger of his accustomed fees due to be paid to the Queen's highness use, for the sealing of every such cloth, cotton, frize or rug ; but also to cover and hide the untrue and deceitful making of many of the said clothes, contrary to the true meaning of sundry good and wholesome estatutes and laws heretofore made, as well for the true making of the clothes aforesaid, as also for the searching, trying and sealing of the same, (3) to the no little prejudice and damage of the said aulneger, who standeth charged with the payment of a great annual farm to the Queen's majesty for the said aulnege, in deceit of her Highness subjects, and discredit of the commodity of the said clothes :

No cloth shall be sold before the party and aulneger have seen to their

II. For reformation whereof, be it enacted by our said sovereign lady the Queen, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That no person or persons from and after
the

the first day of *April* next coming shall sell or put to sale within the said county, or convey or carry, or cause to be conveyed and carried, out of the said county of *Lancaster*, any kind of clothes, cottons, frizes or rugs, hereafter to be made within the said county palatine of *Lancaster*, to be sold, before such time that the owner or maker of every such cloth, cotton, frize or rug, shall fix and put to, or cause to be fixed and put to, every such cloth, frize, cotton or rug, one seal of lead, having the mark of every such owner or clothier engraved on the one side thereof, and the true length of every such cloth, frize, cotton or rug, as it is found, being wet, to be engraved on the other side of the said seal: (2) And also the Queen's highness aulneger of the said county palatine for the time being, upon trial of the weight of every such cotton, frize and rug, shall fix and put, or cause to be fixed and put, to every such cotton, frize or rug, the Queen's highness seal of lead, having the portcullis crowned engraved on the one side thereof, and the true weight of every such cotton, frize or rug, to be engraved on the other side of the same seal; (3) upon pain of forfeiture of all and every such clothes, cottons, frizes and rugs, conveyed, carried, sent, sold and put to sale, or to the intent to be sold, being unsealed, contrary to the meaning of this present act; the one moiety thereof to be to the use of the Queen's highness, her heirs and successors, and the other moiety thereof to such person or persons that shall seize the same cloth, cotton, frize or rug, or will sue for the same, to be recovered in any of the Queen's highness courts of record, by bill, plaint, information or otherwise; wherein no essoin, protection or wager of law shall be allowed for the defendant.

III. And be it further enacted by the authority of this present parliament, That the said aulneger, after the said first day of *April*, shall appoint and have his lawful deputy within every of the several towns of *Manchester*, *Rachdale*, *Bolton*, *Blackborn* and *Bery*, in the said county, where the said aulneger hath been accustomed to have his deputy heretofore, (2) there to be ready upon lawful request unto him made, without delay, to weigh every of the said cottons, frizes and rugs, as shall be brought unto every such deputy, and sealed with the seal of the owner or maker of every of the same clothes, in form aforesaid; (3) and to fix and set to every of the said clothes, cottons, frizes and rugs, the Queen's highness seal before said, to be engraven in manner and form before-mentioned; (4) upon pain of forfeiture of twenty shillings for every pack of cottons, frizes or rugs sealed by the said aulneger, or any of his said deputies, before the same be weighed in form aforesaid; the one moiety whereof to be to the use of the Queen's highness, her heirs and successors, and the other moiety thereof to him or them that will sue for the same in any of the Queen's majesty's courts of record, by bill, plaint, information, action of debt or otherwise; wherein no wager of law, protection or essoin shall be allowed.

IV. Provided always, and be it enacted by the authority a- How much the fore said, That it shall be lawful for the said aulneger, or his de- aulneger may puty,

take for seal-
ing of clothes.
V. 11 & 12 W.
3. c. 10.

puty, to have and take of the owner or maker of every of the said clothes, cottons, frizes or rugs, for the weighing and sealing of every pack of the said clothes, cottons, frizes or rugs, three-pence, (2) and for every piece of such coarse clothes, cottons, frizes and rugs, not amounting to a whole pack, one half-penny, (3) and the same to be paid by the owner or bringer of the said clothes at the weighing and sealing of the same; any custom, use or prescription to the contrary in any wise notwithstanding.

V. *And forasmuch as such persons as commonly do use to utter and sell the said several kinds of cottons, frizes and rugs, have been and are daily molested, vexed and troubled, to their great loss and hindrance, by means of the cruelty of informers and searchers, seeking continually their own private gain by finding of the said cottons, frizes and rugs, at no time made according to such form of weight, lengths and breadths, as by the former statutes of this realm, lately made for the true making of woolen cloth is limited and appointed; (2) and for that the same persons do alledge, That the makers of the said cottons, frizes and rugs, can by no means be reduced to observe the said weights, lengths and breadths, in making of the said cottons, frizes and rugs, according to the form of the said former statutes, without the utter undoing of great numbers of poor people that are commonly the makers of such kind of clothes; and that by means hereof, the said cottons, frizes and rugs, sithence the making of the said statutes, have been and are more scarce and dearer than they were before the making of the said statutes, and in nothing at all amended in substance or form of making:*

The weight,
length and
breadth of
cottons,

frizes or rugs.

VI. For reformation whereof, be it enacted, That from and after the first day of April next coming every of the said cottons, being sufficiently milled or thicked, clean scoured, well wrought and fully dried, shall weigh twenty-one pounds at the least, and shall contain in length twenty-one goads, or twenty goads at the least, and in breadth at the most three quarters of the yard, or within one nail of three quarters of the yard at the least: (2) And that every of the said frizes or rugs being thicked and fully dried shall weigh forty-four pounds at the least, and shall contain in length betwixt thirty-five yards and thirty-seven yards, and shall contain in breadth at the most three quarters of the yard, or within one nail of three quarters at the least, and not to be strained upon the tentors above one nail in breadth: (3) and also if any of the said cottons, frizes or rugs, shall be of any greater length than is before severally expressed, that then every good or yard so exceeding the said several lengths, shall weigh after such rate as every goad or yard of such cottons, frizes or rugs, containing the said several lengths, shall or ought to weigh, (4) upon pain of forfeiture for every goad or yard not weighing after such rate, twelve-pence.

VII. And also if any of the said cottons, frizes and rugs, shall be of less weight than is before severally limited and appointed, that then all and every such person and persons that shall so sell, or offer to be sold, any such cotton, frize or rug, shall

shall forfeit for every pound lacking under three pounds, twelve-pence; (2) and for every pound weight lacking above three pounds, five shillings. (3) The one-half of which forfeitures shall be to our sovereign lady the Queen's highness, her heirs and successors, and the other half thereof to such person or persons that shall sue for the same by action of debt, bill, plaint or information, in any of the Queen's majesty's courts of record, wherein no effoin, protection or wager of law shall be admitted or allowed for the defendant.

VIII. And further be it enacted by the authority aforesaid, That all and every branch, clause, sentence and article, specified and contained in any other acts of parliament before this time made, concerning the sealing and making of the said cottons, frizes and rugs, shall be from henceforth utterly repealed, void and of none effect; any thing in the said act contained to the contrary in any wise notwithstanding.

IX. Provided always, That this act shall not in any wise extend to be prejudicial or hurtful unto any charter or liberty of any borough or corporate town within the said county palatine of Lancaster, concerning the making and putting to sale of any woolen cloth; any thing therein contained to the contrary notwithstanding.

All acts made for the sealing and making of cottons, frizes and rugs, shall be void.

The liberties of towns corporate in Lancashire saved.

C A P. XIII.

An act concerning sea-marks and mariners.

WHEREAS the master, wardens, and assistants of the Trinity-house of Deptford-Strond, being a company of the chiefeft and most expert masters and governors of ships, incorporate within themselves, charged with the conduction of the Queen's majesty's navy royal, are bound to foresee the good increase and maintenance of ships, and of all kind of men traded and brought up by water craft, most meet for her Majesty's marine service. And forasmuch as by the destroying and taking away of certain steeples, woods and other marks, standing upon the main shores, adjoining to the sea coasts of this realm of England and Wales, being as beacons and marks of ancient time accustomed for seafaring men, to save and keep them and the ships in their charge from sundry dangers thereto incident: Divers ships with their goods and merchandizes, in sailing from foreign parts towards this realm of England and Wales, and especially to the port and river of Thames, have by the lack of such marks of late years been miscarried, perished and lost in the sea, to the great detriment and hurt of the common weal, and the perishing of no small number of people.

The master, wardens and assistants of the Trinity-house at Deptford-Strond, may at their costs from time to time erect such and so many beacons, marks and signs for the sea, in such places of the sea-shores and uplands near to the sea-coasts, only for the sea-marks, as to them shall seem requisite: And the same shall be continued and renewed at their costs. See 4. Annæ, c. 20.

II. For remedy wherein to be had, be it enacted, established and ordained by the Queen's most excellent majesty, by the consents of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the foresaid master, wardens and assistants of the Trinity-house at Deptford-Strond aforesaid, being a company incorporated as before, shall and may lawfully by virtue of this act

act from time to time hereafter, at their wills and pleasures, and at their costs, make, erect and set up such and so many beacons, marks and signs for the sea, in such place or places of the sea shores, and uplands near the sea coasts, or forelands of the sea, only for sea marks, as to them shall seem most meet, needful and requisite, whereby the dangers may be avoided and escaped, and ships the better come unto their ports without peril.

III. And that all such beacons, marks and signs so to be by them or their assigns erected, made and set up, at the costs and charges of the said master, wardens and assistants, shall and may be continued, renewed and maintained from time to time, at the costs and charges of the said master, wardens, and assistants; any thing to the contrary hereof notwithstanding.

IV. And be it further ordained and enacted by the authority aforesaid, That no steeples, trees or other things now standing as beacons or marks for the sea, whereof to the owner or occupier of the place where the same doth grow or stand, before the first day of *March* next coming notice shall be given by the Queen's majesty's letters under her signet, shall at any time hereafter be taken down, felled or otherwise cut down, upon pain that every person by whose procurement or consent such offence shall be committed, shall forfeit the sum of one hundred pounds, whereof the one moiety to the Queen's majesty, and the other moiety to be to the master, wardens and assistants of the said *Trinity-house*. And if the said person or persons so offending be not of the value of one hundred pounds, then the same person and persons to be deemed convict of outlawry *ipso facto*, to all constructions and purposes.

V. And further, be it enacted by authority aforesaid, That all mariners and sea-faring men dwelling about the said river of *Thames*, being thereto licenced by the said master, wardens and assistants, and having sufficient certificate of such licence from the said master and wardens, as well between their voyages as at other times, at their wills and pleasures, by force hereof, the better to keep and refrain themselves from folly, idleness and lewd company, and for the relief of them, their wives and children, shall and may freely and quietly exercise and row in their own wherries or any other mens wherries by them to be hired, or wherein they shall be hired to work, up and down the said river of *Thames*, to apply and follow the ordinary passing and carrying of the Queen's majesty's people to and fro as other watermen, commonly called Wherrimen, of the same river use and accustom to do, without impeachment, hinderance or let to the contrary. And that such sea-faring men shall not thereby be drawn under any other government, than under the said master, wardens and assistants as they were before; any act, statute, provision, proclamation, ordinance or custom heretofore against the premises ordained or made in any wise notwithstanding.

Mariners licenced by the Trinity-house may apply as water-men on the Thames.

CAP. XIV.

An act touching the transporting of tawed leather, made of sheep-skins and lamb-skins.

FORASMUCH as in one act made in the first session of this present parliament, intituled, An act against the carrying of sheep-skins and pelts over the sea, not being staple-ware, there is contained one branch against the making of any pelts by any person, other than such as are permitted to make the same by the said statute: (2) 5. Eliz. c. 22. The execution of which branch hath been put in suspense, by reason that some other parts of the same statute are supposed to be against the intercourse of the Low-Countries of the King of Spain:

II. Be it therefore declared and enacted by the authority of this present parliament, That the said first branch of the said statute, being not against the said intercourse, shall from henceforth be put in due execution: (2) And forasmuch as great multitudes of the Queen's majesty's liege people have been set on work, by converting of sheep-skins and lamb-skins into tawed leather and parchment here within this realm, which by one other branch of the said statute is prohibited to be transported out of the realm in leather: (3) And wherethe converting of such skins into leather and parchment hath been great maintenance of many thousands of the subjects of this realm, and greater daily will be, to the great benefit of this realm, if the said first branch concerning making of pelts be duly put in execution, where otherwise if the said pelts should be transported into other realms, the same would be an occasion of the impoverishing of many of the natural *English* people of this realm: (4) Be it therefore enacted by authority of this present parliament, That so much of the said statute as concerneth the transporting of tawed leather to be made of sheep-skins and lamb-skins, shall from henceforth, as touching only the transporting of such tawed leather, be repealed and void; any thing in the said statute to the contrary notwithstanding. 13 & 14 Car. 2. c. 7.

A repeal of so much only of the statute of 5 El. c. 22. as toucheth the transporting of tawed leather of sheep-skins and lamb-skins.

CAP. XV.

That branch only of the statute of 24 H. 8. c. 10. shall be revived, which concerneth the provision, use and maintenance of nets and shrops for the destruction of crows, &c. And all the rest of that statute shall be repealed. Several rewards assigned for the taking and bringing of the heads and eggs of divers ravenous birds and vermin. EXP. 14 El. c. 11.

CAP. XVI.

An act that in divers counties there shall be but one sheriff of one county.

WHEREAS in the counties and shires of Surrey and Suffex, Essex and Hertford, Somerset and Dorset, Warwick and Leicester, Nottingham and Derby, Oxon and Barks, of long time have had but one sheriff to serve for two of the said counties; that is to say, one for Surrey and Suffex, and one other for Essex and Hertford, and one other for Somerset and Dorset, and one other for Warwick and Leicester, and one other for Nottingham and Derby, and one other for Oxon and Barks; (2) the occasion

The sheriff-wick of several counties divided unto two sheriffs, which before had but one. The reasons for both.

occasion whereof in the beginning (as it should seem) was, for that every of the said several counties were not then so well inhabited with gentlemen of good ability to serve in the said office, as (thanks be to God) they be at this present: (3) and forasmuch as the service and charges of that office of sheriffwick of the said counties, is more than in times past it hath been, and is now commonly greater than one sheriff is able to serve and supply; therefore such gentlemen as do dwell in the said several counties, are very desirous to have for every of the said counties one sheriff to be yearly made and appointed for the same: (4) and for that the having of several sheriffs accordingly, cannot be hurtful to any, but thereby may grow some ease of charges and trouble to such as shall hereafter be appointed to such office, and also the said office better served and executed than heretofore hath been:

There shall be one sheriff of every the counties aforesaid.

II. Be it therefore enacted by the authority of this present parliament, That the Queen's most excellent majesty, her heirs and successors, Kings or Queens of this realm, shall and may from and after the first day of *November*, which shall be in the year of our Lord God one thousand five hundred three-score and seven, yearly chuse and make for every of the said counties before named, one sufficient and able person to be sheriff of the same, in such like manner and form as is and hath been used to be chosen, made and done for any other county or shire within this realm; any law, custom or usage heretofore had or used to the contrary thereof notwithstanding: (2) and that every person which after the said first day of *November* shall be made and appointed sheriff for any of the said counties, shall be accountable and used in the order of his account, and all other things and allowance to him to be made, in the court of exchequer and all other courts and places, in such manner, and form as is commonly used for sheriffs in like cases.

The severance of the proffers of the foresaid sheriffwicks directed.

III. Provided always, and be it further enacted by the authority aforesaid, That the barons of the Queen's highness, her heirs and successors, of the court of exchequer for the time being, calling unto them as well her or their Grace's officers of remembrancer, and the treasurer's remembrancer, together with the clerk of the pipe of the same court, as also the several sheriffs, the which next after the said first day of *November* shall be by her Highness, her heirs and successors, constituted, named and appointed of every of the said several counties of *Surry* and *Suffex*, *Essex* and *Hertford*, *Somerset* and *Dorset*, *Warwick* and *Leicester*, *Nottingham* and *Derby*, *Oxon* and *Barks*, shall have by virtue of this act of parliament full power and authority to sever and divide by the discretion and judgment of the said barons, all and singular the proffers of the said counties of *Surry* and *Suffex*, *Essex* and *Hertford*, *Somerset* and *Dorset*, *Warwick* and *Leicester*, *Nottingham* and *Derby*, *Oxon* and *Barks*; (2) the which said severance and division of the said proffers shall be entered of record in the said court of exchequer, and shall be final and perpetual, during so long time as this present act of parliament shall endure and have continuance.

IV. And

IV. And be it further enacted by the authority aforesaid, That in such and the same manner and form as the said proffers shall be divided, even so the tail of reward of every of the aforesaid counties, where any tail of reward hereafter shall be taken, shall be severed and divided in manner and form aforesaid.

The tally of reward shall be severed.

V. And be it likewise further enacted by the authority aforesaid, That the said barons for the time being, of the Queen's highness said court of exchequer, and of her heirs and successors, calling unto them the said officers of the treasurer's remembrancer, and the clerk of the pipe, shall have full power and authority from time to time to take order and appointment for the true and speedy payment and contentation of such creation-money, fees and annuities, and all other sums of money as have been accustomed to have been paid, or of right ought to have been paid, to any person or persons, by the hands of the said several sheriffs: (2) and that such order, direction and appointment so made, had and taken by the said barons in manner and form last before recited, shall be observed, performed, fulfilled and kept yearly, as well by both the sheriffs of the said several counties of *Surry* and *Suffex* for the time being, as by the said several sheriffs for the time being of the said counties of *Essex* and *Hertford*, and of *Somerfet* and *Dorset*, and of *Warwick* and *Leicester*, and of *Nottingham* and *Derby*, and of *Oxon* and *Barks*; any usage, law or custom to the contrary in any wise notwithstanding.

Order for the payment of creation-money, fees, and other money accustomed.

VI. Provided always, and be it further enacted by the authority aforesaid, That no sheriff hereafter to be chosen and made of any one of the said counties in this act mentioned, shall pay in any court of record for any duty belonging properly to the office of sheriff, any other fees or charges, than only the one half of the charges and fees which he should be compelled to have paid; if he had been sheriff of two of the said shires and counties, as before the making of this act was used; any law, usage or custom to the contrary notwithstanding.

But half the charges shall be paid by sheriffwicks divided.

VII. This act to continue and endure unto the end of three whole years, to be accounted from the feast of *All-Saints* in the year of our Lord God a thousand five hundred threecore and seven, and from thence to the end of the next parliament then next following the end of the said three years. *Made perpetual by 13 El. c. 22. except as to Suffex and Surry.*

CAP. XVII.

A confirmation of a subsidy of four shillings in the pound granted to the Queen by the clergy, to be paid in three years. *Taxes. EXP.*

CAP. XVIII.

The Queen's free and general pardon confirmed by parliament. *Ex-Pardon. cept, &c. EXP.*

CAP. XIX.

A grant by the temporality to the Queen, of one subsidy, and of one fifteenth and tenth. *Taxes. EXP.*

CAP.

CAP. XX.

An act for repealing a branch of a statute made in the 26 H. 8. c. 6. f. 12. for trial of offences in Wales.

WHERE in the parliament holden at Westminster in the twenty-sixth year of the reign of the late King Henry the Eighth, among other things it was enacted, That all murders, robberies, felonies and other felonious offences, which should from that time be committed in any lordships marchers, or other place in Wales, might be inquired of, heard, tried and examined in the next English shire thereunto adjoining: and also by one other branch contained in the statute, it is ordained, That such of the same offences as should be committed within the county of Merioneth, one of the three old shires of North-Wales, might at the discretion of the justices there, be inquired of, heard, tried and determined in the counties of Anglesey and Caernarvon, being two other counties of North-Wales, as by the same act more plainly doth appear; and yet nevertheless in the parliament holden at Westminster in the thirty-fourth and thirty-fifth year of the reign of the said late King Henry the Eighth, by one act and statute there made touching certain ordinances in Wales, it is by one branch thereof among other things enacted and established, That all offences, murders, robberies and other felonies, which from thenceforth should be committed in the said county of Merioneth, should and might be inquired of, heard and determined before the justices within the said county of Merioneth, or else in the county of Salop, being the next English county adjoining thereunto, in such manner and form as the like offences committed in other the said counties in Wales should or might be inquired of, heard and determined, as by the said act more at large doth appear. By reason of which said several branches contained in the said several statutes, the said county of Merioneth standeth now not only chargeable to such like trial in the next English shire, for the said offences as other counties of Wales at this present be, but also by force of the said statute made in the said twenty-sixth year of the said King Henry the Eighth, the said county of Merioneth is also subject to such enquiry and trial to be had within the said counties of Caernarvon and Anglesey, being both Welsh shires, much to the discredit of the inhabitants of the said county of Merioneth, for that no other counties of Wales, for such offences, are chargeable with the like trial.

II. Wherefore be it enacted by the authority of this present parliament, That so much of the said act and statute made in the said twenty-sixth year of the reign of the said late King Henry the Eighth, as doth limit or appoint any of the said offences before-mentioned, committed within the said county of Merioneth, to be enquired of, tried, heard and determined within the said counties of Caernarvon and Anglesey, or either of them, shall from henceforth be utterly repealed, void and of none effect.

Anno decimo tertio Reginae Elizabethæ.

AT the parliament begun and holden at Westminster the second day of April in the thirteenth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. and there continued until the dissolution of the same, to the high pleasure of Almighty God and weal publick of this realm, were enacted as followeth.

CAP. I.

It shall be high treason to intend destruction or bodily harm to the Queen, or to levy war, or to move others to war against her, or to affirm, That the Queen ought not to enjoy the crown, but some other person; or to publish, That the Queen is an heretick, schismatick, tyrant, infidel or usurper of the crown; or to claim right to the crown, or to usurp the same during the Queen's life; or to affirm the right in succession of the crown in some other than the Queen; or to affirm, That the laws and statutes do not bind the right of the crown, and the descent, limitation, inheritance, or governance thereof.

Treason.

3 Inf. 6, 10,

12, 14.

4 Inf. 36.

Poph. 122.

II. Whosoever shall during the Queen's life, by any book, or work written or printed, expressly affirm, (before the same be established by parliament) That any one particular person is or ought to be heir or successor to the Queen, except the same be the natural issue of her body: or shall wilfully set up in open place, or spread any books or scrowls to that effect: or shall print, bind or put to sale, or utter, cause, &c. any such book or writing, he, his abettors and counsellors shall for the first offence be a whole year imprisoned, and forfeit half his goods; and for the second offence shall incur the penalty of a præmunire. EXP. 26 H. 8. c. 13. 1 Ed. 6. c. 12. 1 & 2 Ph. & M. c. 10. 1 El. c. 5.

CAP. II.

An act against the bringing in, and putting in execution of bulls, writings or instruments and other superstitious things from the see of Rome.

WHERE in the parliament holden at Westminster in the fifth year of the reign of our sovereign lady the Queen's majesty that now is, by one act and statute then and there made, intituled, An act for the assurance of the Queen's majesty's royal power over all states and subjects within her Highness's dominions, it is among other things very well ordained and provided for the abolishing of the usurped power and jurisdiction of the bishop of Rome and of the see of Rome, heretofore unlawfully claimed and usurped within this realm and other the dominions to the Queen's majesty belonging, That no person or persons shall hold or stand with, to set forth, maintain, defend or extol the same usurped power, or attribute any manner of jurisdiction, authority or prebeminence, to the same, to be had or used within this realm or any the said dominions, upon pain to incur the danger, penalties and forfeitures ordained and provided by the statute of provision and præmunire, made in the sixteenth year of the reign of King Richard the Second, as by the same act more at

A rehearsal of the statute of 5 El. c. 1. touching the abolishing of the authority of the bishop and see of Rome.

16 R. 2. c. 5. *large it doth and may appear : (2) and yet nevertheless divers seditious and very evil-disposed people, without the respect of their duty to Almighty GOD, or of the faith and allegiance which they ought to bear and have to our said sovereign lady the Queen, and without all fear and regard had to the said good law and statute, or the pains therein limited, but minding, as it should seem, very seditiously and unnaturally, not only to bring this realm and the imperial crown thereof (being in very deed of itself most free) into the thraldom and subjection of that foreign, usurped and unlawful jurisdiction, preheminnence and authority claimed by the said see of Rome; (3) but also to estrange and alienate the minds and hearts of sundry her Majesty's subjects from their dutiful obedience, and to raise and stir sedition and rebellion within this realm, to the disturbance of the most happy peace thereof; (4) have lately procured and obtained to themselves from the said bishop of Rome and his said see, divers bulls and writings, the effect whereof hath been, and is, to absolve and reconcile all those that will be contented to forsake their due obedience to our most gracious sovereign lady the Queen's majesty, and to yield and subject themselves to the said feigned, unlawful and usurped authority; (5) and by colour of the said bulls and writings, the said wicked persons very secretly, and most seditiously, in such parts of this realm where the people for want of good instruction are most weak, simple and ignorant; and thereby farthest from the good understanding of their duties toward GOD and the Queen's majesty, have by their lewd and subtil practices and persuasions so far forth wrought, that sundry simple and ignorant persons have been contented to be reconciled to the said usurped authority of the see of Rome, and to take absolution at the hands of the said naughty and subtil practisers; (6) whereby hath grown great disobedience and boldness in many, not only to withdraw and absent themselves from all divine service, now most godly set forth and used within this realm, but also have thought themselves discharged of and from all obedience, duty and allegiance to her Majesty, whereby most wicked and unnatural rebellion hath ensued, and to the further danger of this realm is hereafter very like to be renewed, if the ungodly and wicked attempts in that behalf be not by severity of laws in time restrained and bridled :*

The effect of
bulls brought
from Rome.

Putting in ure
any bull of ab-
solution or re-
conciliation
from the bi-
shop of Rome.

II. For remedy and redress whereof, and to prevent the great mischiefs and inconveniences that thereby may ensue, be it enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, after the first day of July next coming, shall use or put in ure in any place within this realm, or in any the Queen's dominions, any such bull, writing or instrument written or printed, of abolution or reconciliation, at any time heretofore obtained and gotten, or at any time hereafter to be obtained or gotten from the said bishop of Rome or any his successors, or from any other person or persons authorized or claiming authority by or from the said bishop of Rome, his predecessors or successors, or see of Rome; (2) or if any person or persons after the said first day of July shall

shall take upon him or them, by colour of any such bull, writing instrument or authority, to absolve or reconcile any person or persons, or to grant or promise to any person or persons within this realm, or any other the Queen's majesty's dominions any such absolution or reconciliation, by any speech, preaching, teaching, writing or any other open deed; (3) or if any person or persons within this realm or any the Queen's dominions after the said first day of *July* shall willingly receive and take any such absolution or reconciliation :

Abolving or reconciling of any person, and being absolved or reconciled.

III. Or else if any person or persons have obtained or gotten since the last day of the parliament holden in the first year of the Queen's majesty's reign, or after the said first day of *July* shall obtain or get, from the said bishop of *Rome*, or any his successors or see of *Rome*, any manner of bull writing or instrument, written or printed, containing any thing, matter or cause whatsoever; (2) or shall publish, or by any ways or means put in ure any such bull, writing or instrument; (3) that then all and every such act and acts, offence and offences shall be deemed and adjudged by the authority of this act to be high treason; (4) and the offender and offenders therein, their procurers, abettors and counsellors to the fact and committing of the said offence or offences, shall be deemed and adjudged high traitors to the Queen and the realm; (5) and being thereof lawfully indicted and attainted according to the course of the laws of this realm, shall suffer pains of death, and also lose and forfeit all their lands, tenements, hereditaments, goods and chattels, as in cases of high treason by the laws of this realm ought to be lost and forfeited.

Getting of any bull from Rome containing any matter whatsoever, or publishing or putting in ure the same. 3 Inst. 101, 106.

IV. And be it further enacted by the authority aforesaid, That all and every aiders, comforters or maintainers of any the said offender or offenders, after the committing of any the said acts or offences, to the intent to set forth, uphold or allow the doing or execution of the said usurped power, jurisdiction or authority, touching or concerning the premises, or any part thereof, shall incur the pains and penalties contained in the statute of *præmunire* made in the sixteenth year of the reign of King *Richard* the Second.

Aiders, comforters and maintainers of offenders after the offence. 16 R. 2. c. 5.

V. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons, to whom any such absolution, reconciliation, bull, writing or instrument as is aforesaid, shall after the said first day of *July* be offered; moved or perswaded to be used, put in ure or executed, shall conceal the same offer, motion or perswasion, and not disclose and signify the same by writing or otherwise, within six weeks then next following, to some of the Queen's majesty's privy council, or else to the president or vice-president of the Queen's majesty's council established in the north parts, or in the marches of *Wales*, for the time being, that then the same person or persons so concealing and not disclosing, or not signifying the said offer, motion or perswasion, shall incur the loss, danger, penalty and forfeiture of misprision of high treason

Concealing or not disclosing a bull or reconciliation offered.

VI. And that no person or persons shall at any time hereafter be impeached, molested or troubled in or for misprision of treason, for any offence or offences made treason by this act, other than such as by this act are before before declared to be in case of misprision of high treason.

Bringing into the realm, or using of agnus dei, pictures, crosses, &c.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time after the said first day of *July* bring into this realm of *England*, or any the dominions of the same, any token or tokens, thing or things, called or named by the name of *agnus dei*, or any crosses, pictures, beads or such like vain and superstitious things, from the bishop or see of *Rome*, or from any person or persons authorized or claiming authority by or from the said bishop or see of *Rome*, to consecrate or hallow the same; (which said *agnus dei* is used to be specially hallowed and consecrated, as it is termed, by the said bishop in his own person, and the said crosses, pictures, beads and such like superstitious things been also hallowed either by the same bishop, or by others having power or pretending to have power for the same by or from him or his said see; and divers pardons, immunities and exemptions granted by the authority of the said see to such as shall receive and use the same:) (2) and that if the same person or persons so bringing in, as is aforesaid, such *agnus dei* and other like things as have been before specified, shall deliver, or cause or offer to be delivered the same, or any of them, to any subject of this realm, or of any the dominions of the same, to be worn or used in any wise: (3) that then as well the same person and persons so doing, as also all and every other person or persons which shall receive and take the same, to the intent to use or wear the same, being thereof lawfully convicted and attained by the order of the common laws of this realm, shall incur the dangers, penalties, pains and forfeitures ordained and provided by the statute of *premunire* and provision made in the sixteenth year of the reign of King *Richard* the Second.

16 R. 2. c. 5.
Apprehending an offender, or disclosing his name.

VIII. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any person or persons, to whom any such *agnus dei* or other the things aforesaid shall be tendered and offered to be delivered, shall apprehend the party so offering the same, and bring him to the next justice of peace of that shire where such tender shall be made, if he shall be of power and able so to do, or for lack of such ability, shall within the space of three days next after such offer made as is aforesaid, disclose the name and names of such person or persons as so shall make the same offer, and the dwelling-places, or place of resort of the same person or persons (which he shall endeavour himself to know by all the ways and means he can) to the ordinary of that diocese, or to any justice of peace of that shire where such person or persons to whom such offer shall be made, as is aforesaid, shall be resident: (2) and also if such person or persons to whom such offer shall be made, shall happen to receive any such *agnus dei* or other thing above-remembered, and

Delivering an agnus dei to the ordinary,

and shall within the space of one day next after such receipt ^{or a justice of} deliver the same to any justice of peace within the same shire ^{peace.} where the party so receiving shall be then resiant, or shall happen to be: (3) that then every such person or persons doing any the acts or things in this provision above-mentioned, in form above declared, shall not by force of this statute incur any danger or penalty appointed by this statute, or any other pain or penalty; this act, or any thing therein contained to the contrary in any wise notwithstanding.

IX. And be it further enacted by the authority aforesaid, ^{A pardon to} That all and every person and persons, which at any time ^{them that} since the beginning of the first year of the Queen's majesty's ^{shall bring in} reign that now is, have brought or caused to be brought into ^{to be cancelled} this realm any such bulls, writings or instruments of reconciliation ^{those bulls} only as are above-mentioned, and now have any of ^{which before} the same bulls, writings or instruments in his or their hands ^{they received.} or custody, and shall and do within the space of three months next after the end of any session or dissolution of this present parliament, bring and deliver all such bulls, writings and instruments which they or any of them now have in his or their custody, to the bishop of the diocese where such absolution hath been given and received, to the intent that the same bulls, writings or instruments may be cancelled and defaced, and shall openly and publickly before such bishop confess and acknowledge his or their offence therein, and humbly desire to be received, restored and admitted to the church of *England*, shall stand and be clearly pardoned and discharged of all and every offence and offences done or committed in any matter or cause concerning any of the said bulls, writings or instruments, for or touching such absolution or reconciliation only. (2) And that all ^{A pardon of} and every person or persons which have received or taken any ^{all those that} absolution from the said bishop of *Rome*, or his said ^{have been re-} see of *Rome*, ^{conciled to} of any reconciliation unto the said bishop of *Rome*, or to the ^{the bishop of} said see of *Rome*, sithence the said first year of the reign of our ^{Rome, and} said sovereign lady the Queen, and shall within the said space ^{do confess it,} of three months next after any session or dissolution of this ^{and submit} present parliament come before the bishop of the diocese of such ^{themselves.} place where such absolution or reconciliation was had or made, and shall publickly and openly before the same bishop confess and acknowledge his or their offence therein, and humbly desire to be received, restored and admitted to the church of *England*, shall likewise stand and be clearly pardoned and discharged of all and every offence and offences done or committed in any matter or cause concerning the said bulls, writings or instruments, for or touching only receiving of such absolution or reconciliation, and for and concerning all absolution or reconciliation had or received by colour of any the said bulls, writings or instruments only.

X. Provided also, and be it further enacted by the authority aforesaid, That if any justice of peace, to whom any ^{The penalty} matter or offence beforementioned shall be uttered, shewed, or ^{of a justice of} peace not ^{declared,}

closing an of-
fence declared
unto him.

declared, as is aforesaid, do not within the space of fourteen days next after it shall be to him shewed or uttered, signify or declare the same to some one of the Queen's majesty's privy council, that then the same justice of peace shall incur the danger, pain and forfeiture provided by the said statute made in the said sixteenth year of King *Richard* the Second.

Trial of a no-
bleman by his
peers.

XI. Provided also, and be it further enacted by the authority aforesaid, That if any nobleman, being a peer of this realm, shall at any time hereafter happen to be indicted for any the offence or offences aforesaid, that then every such nobleman and peer of this realm shall have his trial by his peers, as in cases of high treason and misprision of treason hath heretofore been accustomed or used :

A saving of
the right of
others.

XII. Saving to all and every person and persons, bodies politick and corporate, their heirs and successors, and the heirs and successors of every of them, other than the said offenders and their heirs claiming only as heir or heirs to any such offenders, and such person and persons as claim to any their uses, (2) all such rights, titles, interests, possessions, leases, rents, reversions, remainders, offices, fees and all other profits, commodities and hereditaments, as they or any of them shall have at the day of the committing of such offence or offences, or at any time before, in as large and ample manner to all intents and purposes, as if this act had never been had nor made ; any thing herein contained to the contrary thereof notwithstanding.
23 *El. c. 1.*

CAP. III.

Fugitives.
3 Inst. 178.
Savil 8, 33.

If any born within this realm, or made free denizen, hath departed or shall depart the realm without the Queen's licence under the great or privy seal, and shall not return again within six months after warning by proclamation, he shall forfeit to the Queen the profits of all his lands during his life, and also all his goods and chattels. The like penalty he shall sustain, which having licence shall not return within six months after his licence expired. The offender shall have restitution upon submission. Fraudulent assurances made by fugitives of their lands and goods to deceive the Queen, shall be void. EXP. 5 R. 2. stat. 1. c. 1. 12 R. 2. c. 8. 14 *El. c. 6.*

CAP. IV.

An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.

Treasurers,
receivers and
other ac-
comptants
lands shall be
liable for the
payment of
the Queen's
debts by them
not paid, &c.
*This act exten-
deth to under
collectors of
wths, &c.*

FOR the better security of the Queen's majesty, her heirs and successors, against such as shall have the receipt and charge of the money and treasure of her Highness, her heirs and successors, (2) be it declared and enacted by the Queen's majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all lands, tenements, profits, commodities and hereditaments, (3) which any treasurer or receiver in or belonging to any of the Queen's majesty's courts of the exchequer, wards and liveries, or duchy of *Lancaster*, treasurer of the chamber, cofferer of the household to the Queen's majesty, her

El. c. 7.

her heirs or successors, treasurer for the wars, treasurer of any fort, town or castle, where any garrison is or shall be kept, treasurer of the admiralty or navy, treasurer, undertreasurer or other person accomptable to the Queen's majesty, her heirs or successors, for any office or charge of or within the mint, treasurer or receiver of any sums of money imprest, or otherwise, for the use of the Queen's majesty, her heirs or successors, or for provisions of victual, or for fortifications, buildings or works, or for any other provisions to be used in any the offices of the Queen's majesty's ordnance and artillery, armory, wardrobe, tents and pavilions, or revels, customer, collector, farmer of customs, subsidies, imposts or other duties within any port of the realm, collector of the tenths of the clergy, collector of any subsidy or fifteen, receiver general of the revenues of any county or counties, answerable in the receipt of the exchequer, or in the court of wards and liveries, or the duchy of *Lancaster*, clerk of the hamper, (4) now hath, or at any time hereafter shall have, within the time whilst he or they or any of them shall remain accountable; (5) shall for the payment and satisfaction unto the Queen's majesty, her heirs and successors, of his or their arrearsages, at any time hereafter to be lawfully, according to the laws of this realm, adjudged and determined upon his or their account (all his due and reasonable petitions being allowed) be liable to the payment thereof, (6) and be put and had in execution, for the payment of such arrearsages or debts to be so adjudged and determined upon any such treasurer, receiver, teller, customer, collector, farmer, officer or accountant, as is before-named, (7) in like and in as large and beneficial manner to all intents and purposes, as if the same treasurer, receiver, teller, customer, farmer or collector, upon whom any such arrearsages or debts shall be so adjudged or determined, had the day he became first officer or accountant stood bound by writing obligatory, having the effect of a statute of the staple, to her Majesty, her heirs or successors, for the true answering and payment of the same arrearsages or debts.

II. *And forasmuch as many times it may come to pass, that the Queen's highness, her heirs or successors, shall not or may not be conveniently satisfied of the debt to be determined or due upon any account or farm as is aforesaid, by way of extent, for that the yearly value of the lands extended will not satisfy her Highness, her heirs or successors, within the compass of many years, so as thereby great loss might ensue to her Highness, her heirs and successors;* (2) for remedy thereof be it further enacted, That if any treasurer, receiver, collector, farmer, customer, teller, collector of custom, subsidy or impost, or other person accountant before-mentioned, which shall from and after the feast of St. *Michael* the archangel now next coming receive or be chargeable with any money or treasure of our said sovereign lady the Queen, her heirs or successors, (3) and shall upon the determining of his or their account (all his and their due petitions to them upon the same account being allowed) or by reason of any farm, as aforesaid,

Certain cases wherein the Queen may sell the accountants lands.

¹ Leon. 98,

be found in arrearages, or to owe unto our said sovereign lady the Queen, her heirs or successors, any sum or sums of money, (4) and shall not within the space of six months next after his or their accounts finished, or debt known, (having allowance of his or their due and reasonable petitions, as is aforesaid) truly satisfy and pay all such arrearages and sums of money as he or they shall owe upon determination of his or their account, or upon his or their debt known, as is aforesaid; (5) that then it shall and may be lawful to the Queen's highness, her heirs and successors, at any time, and from time to time, after the said six months ended, to make sale by her or their letters patents under the great seal of *England*, of so much of the lands, tenements and hereditaments of every such accountant or debtor so being found in arrearages or in debt, as is above-mentioned, as may suffice our said sovereign lady the Queen, her heirs or successors, for the satisfaction of his or their debt or arrearages, to be determined or adjudged upon his or their account or farm, as is aforesaid, (all due petitions being allowed, as is aforesaid) until her Majesty, her heirs or successors, be by such sale fully satisfied and paid of such arrearages and debt to be found upon account or farm, as is aforesaid.

Such sale
good after the
death of such
accountant,
&c.
27 El. c. 3.
f. 2.

Delivery of
the overplus
to the owner
of the land.

III. And if any overplus of money shall be received or had upon any such sale, then the same shall be paid and delivered to the accountant or farmer, or his heirs, by the officer that shall receive the money upon any of the said sales, without any further or other warrant in that behalf to be made or obtained.

The sale
good against
the Queen and
accountant.
Hob. 45.

IV. And be it further enacted by the authority aforesaid, That all the said sales to be made by the Queen's majesty, her heirs or successors, as is aforesaid, shall be good and available in law against the party accountant indebted as is aforesaid, and his heirs claiming as heirs, and against the Queen's majesty, her heirs and successors, notwithstanding any former charge or incumbrance to her Majesty, her heirs and successors, by the person or persons for whose debt or duty the same shall fortune to be sold.

Accountant
purchaseth
lands in
others names.
Dyer 160.

V. And be it further enacted by the authority aforesaid, That if any person or persons accountant or indebted as is aforesaid, shall at any time after he or they shall become accountant or chargeable, as is aforesaid, purchase and buy, or or cause to be purchased and bought, any lands, tenements or hereditaments, and cause the assurance thereof to be made in the name of any other person or persons, where the same is indeed meant or intended to the use, profit or behoof of such person accountant or indebted, or of any other person or persons, and that the same manner of purchasing, and secret uses, profits or behoof, shall be found by office or inquisition; That then all and every lands, tenements and hereditaments so to be bought or purchased, or caused to be purchased (as is before-mentioned in this last proviso) shall by virtue of this act be taken, deemed and used for the satisfaction of the arrearages and

and debt of every such accountant or debtor, as is above-mentioned, to all intents and purposes, as though the person or persons indebted upon his or their account or farm were there- of actually seized of such estate that was conveyed to any person or persons, by any such accountant or debtor, or by his means, as is aforesaid: (2) and that all sales to be thereof made by the Queen's majesty, her heirs or successors, for satisfaction of such debt or arrearages as shall be found, as is aforesaid, to be due and owing to our said sovereign lady the Queen, her heirs and successors, shall be of the like effect, and be used and done in such like manner and form, as is before expressed.

VI. *And whereas heretofore some treasurers, tellers, receivers, collectors and others, having had charge of the Queen's majesty's money and treasure, have gotten into their hands great sums of the Queen's majesty's money and treasure sithence the beginning of her Majesty's reign, and have most fraudulently employed her Majesty's money and treasure which they had in their charge, in sundry wise to their own uses, partly in the purchasing her Majesty's own lands, and partly in purchasing lands of others: (2) and to the intent the same should not be liable to satisfy and pay her Majesty, her heirs or successors, of that which to her or them should appertain, have purchased the same sometimes in their own names, and sometimes in the names of sundry their friends and kinsfolks, wives or children, and yet nevertheless have taken and received the rents and revenues thereof to their own uses:*

VII. Be it therefore further enacted and ordained by the authority aforesaid, That all and singular lands, tenements and hereditaments, which any treasurer, receiver, teller, customer, collector, officer or accountant before-named, hath heretofore since the beginning of the Queen's majesty's reign purchased or caused to be purchased, to the intent the same should not be liable, as is aforesaid, (the fraud and covin aforesaid being first found by office or inquisition) shall and may be seized and taken by her Majesty, her heirs and successors, and retained by her Majesty, her heirs and successors, in fee-simple, to be sold or otherwise used at her and their wills and pleasures, towards the payment and satisfaction of all and every arrearages already set or determined and adjudged, or that hereafter shall be set, determined or adjudged, upon his or their account (all reasonable and due petitions being allowed) at such rate and value as the same were purchased or bought, or caused to be purchased or bought, by any such treasurer, receiver, teller, customer or collector before named, or by any other person to their use.

VIII. Provided always, That if the lands and tenements so to be seized, taken or sold, by her Majesty, her heirs or successors, as is last above-mentioned, do surmount, after the rate and value aforesaid, the debt and arrearages to be set, determined and adjudged upon the account of any treasurer, receiver, teller, customer, collector or accomptant before-named, that then her Majesty, her heirs and successors, shall take and seize only

Lands purchased by accomptant since the beginning of the Queen's reign.

The Queen shall seize only so much land as will satisfy her:

so much as shall amount, after the rate and value aforesaid, to the just payment and satisfaction of such debt and arrearages as hath been or shall be set, determined or adjudged upon his or their account as is aforesaid.

No bishop's lands shall be chargeable.

IX. Provided always, and be it further enacted by the authority aforesaid, That no bishop having the collection of any subsidy or tenths, or any his lands, tenements or hereditaments, whereof he is seized in the right of his bishoprick, shall be charged by virtue of this act for any arrearages of tenths or subsidy, otherwise or in any other manner than he might lawfully have been before the making of this act; any thing herein contained to the contrary thereof notwithstanding.

Accomptant whose receipt exceedeth not 300l.

X. And be it also further provided and enacted by the authority aforesaid, That this act, or any thing therein contained, shall not in any wise extend to charge any treasurer, receiver, teller, customer, collector or accomptant aforesaid, having any yearly receipt, (2) nor any their lands, tenements or hereditaments, whose yearly receipt, collection and charge, or whose whole receipt from the beginning of his charge, is not or hath not been, or hereafter shall not be, above the sum of three hundred pounds; (3) otherwise or in any other manner and form than he or they might lawfully have been charged before the making of this act; any thing herein contained to the contrary thereof notwithstanding.

Accomptants which are not to make present payment.

XI. *And forasmuch as sundry the accountants before-named, namely, The treasurer of the chamber, and cofferer of the household, of our said sovereign lady the Queen, her heirs and successors, treasurers of wars or garrisons, treasurers of the navy, treasurers or receivers of any sums of money for provision of victual, or for fortifications, or for buildings, and master of the wardrobe, are by order of their offices and charge, after their accounts ended and determined, to disburse, expend and defray the debt remaining upon their accounts, in such charges as are necessarily and incidently to be spent and provided in their offices and charges, so as they are not of such sums of money or debt remaining upon their account to make present payment and satisfaction as other accountants are :*

XII. Be it therefore enacted and ordained by the authority aforesaid, That this act or any thing therein contained shall not extend to give any power or authority to make sale of any lands, tenements or hereditaments, for any such debt to be set and adjudged in any of his or their accounts mentioned in this branch, unless the Queen's majesty, her heirs and successors, upon the ending or determining of his or their accounts (all his or their due petitions to them upon the same accounts being allowed) require or command present payment thereof, or otherwise estoons require a new account of the same debt so set or remaining in any the accounts mentioned in this branch; and that then the same debt, or any part thereof, shall be found to be owing and unexpended in the matters or charges pertaining to any of their said offices or charges mentioned in this branch,

branch, and the same debt remain unpaid by the space of six months after such request or commandment.

XIII. Provided alway, That this act shall not extend to charge any sheriff, escheator or bailiff of liberties, or the lands, tenements or hereditaments of any sheriff, escheator or bailiff of liberties, nor of any their heirs or assigns, for any thing touching his or their office of sheriffwick, escheatorship or bailiffwick, nor for any money by him or them received or to be received by reason of any their said offices, otherwise or in any other manner than he or they might lawfully have been charged before the making of this act; any thing herein contained to the contrary notwithstanding.

This act shall not charge any sheriff, escheator, or bailiff of liberties.

XIV. Provided also, That this act, as touching only the sale of any lands or tenements, shall not extend to any lands, tenements or hereditaments, which any person or persons now have or enjoy, and have purchased or obtained *bona fide*, and not being privy or consenting unto any such intent to defraud the Queen's majesty, as is abovesaid: (2) and that it shall be lawful to every person and persons whose lands, tenements or hereditaments, shall by any office or inquisition be found to be fraudulently conveyed or assured, as is abovesaid, to have his or their lawful traverse, to every such office or inquisition; (3) and if it be found with the party that tendreth the traverse, that then he shall have the said lands out of the Prince's hands without any petition, livery or *ouster le main*, or any other suit to be had, made or used; (4) and the same being found for such person or persons so traversing, the same lands, tenements and hereditaments, shall be adjudged as not liable, chargeable, nor to be sold by force of this statute.

Lands purchased *bona fide*.

Any party grieved may have a traverse.

XV. Provided also, and be it enacted, That if the Queen's majesty, her heirs or successors, shall by any sale of lands by force of this statute be fully satisfied of the debt or arrearages of any such accountant or debtor, or any part thereof, then the sureties of such accountant or debtor shall be discharged of so much of the said debt, forfeiture and arrearage, as so shall be satisfied and for the residue only shall be ratably according to their abilities charged; any thing in this or any other statute to the contrary notwithstanding.

If the Queen do sell the accountant's lands, his sureties shall be discharged for so much.

XVI. Provided always, That this act, nor any thing therein contained, shall in any wise extend to charge *Henry Golding* esq; and *Thomas Neale*, one of the Queen's majesty's auditors, or the lands or tenements of either of them, to whom the Queen's majesty hath demised any customs, subsidies or imposts, in any thing only touching the said demise and lease, otherwise or in any other manner than they might have been lawfully charged if this act had never been had or made, except they or either of them do hereafter take any of the profits of the said subsidies, customs or imposts by force of the said demise; any thing herein contained to the contrary thereof notwithstanding.

Certain persons not chargeable by this act.

CAP. V.

An Act against fraudulent deeds, alienations, &c.

Fraudulent deeds made to avoid the debts of others shall be void, and the penalties of the parties to such fraudulent assurances.

2 Bulstr. 218.

FOR the avoiding and abolishing of feigned, covinous and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, as well of lands and tenements as of goods and chattels, more commonly used and practised in these days than hath been seen or heard of heretofore: (2) which feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, have been and are devised and contrived of malice, fraud, covin, collusion or guile, to the end, purpose and intent, to delay, hinder or defraud creditors and others of their just and lawful actions, suits, debts, accounts, damages, penalties, forfeitures, heriots, mortuaries and reliefs, not only to the let or hinderance of the due course and execution of law and justice, but also to the overthrow of all true and plain dealing, bargaining and chevisance between man and man, without the which no commonwealth or civil society can be maintained or continued:

All fraudulent conveyances made to avoid the debt or duty of others shall be void.

Rast. 207.

27 Eliz. c. 4.

2 Leon. 9. 223.

2 Roll. 493.

Latch 221.

Dyer 295, 351.

3 Co. 80, 81.

5 Co. 60.

8 Co. 171.

9 Co. 108.

10 Co. 56.

Co. Lit. 76. a.

1 Leon. 47,

308.

Hob. 72.

II. Be it therefore declared, ordained and enacted by the authority of this present parliament, That all and every feoffment, gift, grant, alienation, bargain and conveyance of lands, tenements, hereditaments, goods and chattels, or of any of them, or of any lease, rent, common or other profit or charge out of the same lands, tenements, hereditaments, goods and chattels, or any of them, by writing or otherwise, (2) and all and every bond, suit, judgment and execution, at any time had or made sithence the beginning of the Queen's majesty's reign that now is, or at any time hereafter to be had or made, (3) to or for any intent or purpose before declared and expressed, shall be from henceforth deemed and taken (only as against that person or persons, his or their heirs, successors, executors, administrators and assigns, and every of them, whose actions, suits, debts, accounts, damages, penalties, forfeitures, heriots, mortuaries and reliefs, by such guileful, covinous or fraudulent devices and practices, as is aforesaid, are, shall or might be in any wise disturbed, hindered, delayed or defrauded) to be clearly and utterly void, frustrate and of none effect; any pretence, colour, feigned consideration, expressing of use, or any other matter or thing to the contrary notwithstanding.

The forfeiture of the parties to fraudulent deeds. Co. pla. 162. Hob. 166.

Dyer 351.

Cro. El. 645.

Cro. Jac. 270.

III. And be it further enacted by the authority aforesaid, That all and every the parties to such feigned, covinous or fraudulent feoffment, gift, grant, alienation, bargain, conveyance, bonds, suits, judgments, executions and other things before expressed, and being privy and knowing of the same, or any of them; (2) which at any time after the tenth day of June next coming shall willingly and willingly put in ure, avow, maintain, justify or defend the same, or any of them, as true, simple, and done, had or made *bona fide* and upon good consideration; (3) or shall alien or assign any the lands, tenements, goods, leases or other things before-mentioned, to him or them conveyed as is aforesaid, or any part thereof; (4) shall incur the penalty and forfeiture

ture of one year's value of the said lands, tenements and hereditaments, leases, rents, commons or other profits, of or out of the same; (5) and the whole value of the said goods and chattels; (6) and also so much money as are or shall be contained in any such covinous and feigned bond; (7) the one moiety whereof to be to the Queen's majesty, her heirs and successors, and the other moiety to the party or parties grieved by such feigned and fraudulent feoffment, gift, grant, alienation, bargain, conveyance, bonds, suits, judgments, executions, leases, rents, commons, profits, charges and other things aforesaid, to be recovered in any of the Queen's courts of record by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be admitted for the defendant or defendants; (8) and also being thereof lawfully convicted, shall suffer imprisonment for one half year without bail or mainprife.

Who shall have the forfeiture, and by what means.

IV. Provided always, and be it further enacted by the authority aforesaid, That whereas sundry common recoveries of lands, tenements and hereditaments have heretofore been had, and hereafter may be had against tenant in tail, or other tenant of the freehold, the reversion or remainder, or the right of reversion or remainder, then being in any other person or persons; (2) that every such common recovery heretofore had, and hereafter to be had, of any lands, tenements or hereditaments, shall as touching such person and persons which then had any remainder or reversion, or right of remainder or reversion, and against the heirs of every of them, stand, remain and be of such like force and effect, and of none other, as the same should have been if this act had never been had ne made.

Common recoveries against the tenants of freehold.

V. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to make void any estate or conveyance, by reason whereof any person or persons shall use any voucher in any writ of *Formedon*, now depending or hereafter to be depending, but that all and every such vouchers in any writ of *Formedon* shall stand and be in like force and effect, as if this act had never been had ne made; any thing before in this act contained to the contrary notwithstanding.

Making an estate whereby a voucher may be used in a formedon.

VI. Provided also, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to any estate or interest in lands, tenements, hereditaments, leases, rents, commons, profits, goods or chattels, had, made, conveyed or assured, or hereafter to be had, made, conveyed or assured, which estate or interest is or shall be upon good consideration and *bona fide* lawfully conveyed or assured to any person or persons, or bodies politick or corporate, not having at the time of such conveyance or assurance to them made, any manner of notice or knowledge of such covin, fraud or collusion as is aforesaid; any thing before mentioned to the contrary hereof notwithstanding.

Estates made upon good consideration, and *bona fide*.

VII. This act to endure unto the end of the first session of the next parliament. 50 *Ed. 3. c. 6.* 2 *R. 2. stat. 2. c. 3.* 3 *H. 7. c. 4.* made perpetual by 29 *Eliz. c. 5.* Set 27 *Eliz. c. 4.*

C A P. VI.

An act that the exemplification or Constat of letters patents shall be as good and available as the letters patents themselves.

A supply of the statute of 3 & 4 Ed. 6. c. 4.

FOR the avoiding of all such doubts, questions and ambiguities, as heretofore have risen and been moved, and of such as hereafter might rise and be moved, in and upon the statute made in the parliament begun and holden at Westminster the fourth day of November in the third year of the reign of our late sovereign lord King Edward the Sixth, intituled, An act concerning grants and gifts made by patentees out of letters patents, and for a due and full supply of all such wants as may be thought to be therein:

An exemplification of letters patents shall be of the same force as the letters patents themselves.
5 Co. 53.
Co. Lit. 225. b.

II. Be it enacted and declared by the authority of this present parliament, That all and every patentee and patentees, their heirs, successors, executors and assigns, and all and every other person and persons, having by or from them, or any of them, or under their title, any estate or interest, of, in or to any lands, tenements or hereditaments, or any other thing whatsoever, to such patentee or patentees heretofore granted by any letters patents, either of the most famous princes, King *Henry* the Eighth, King *Edward* the Sixth, Queen *Mary*, King *Philip* and Queen *Mary*, or by any of them, or by the Queen's most excellent majesty that now is, at any time sithence the fourth day of *February* in the twenty-seventh year of the reign of the said late King *Henry* the Eighth, or else by the Queen's majesty that now is, her heirs or successors, at any time hereafter to be granted, shall and may at all times hereafter in any of the Queen's highness courts, her heirs and successors, or elsewhere, by the authority of this present act, make and convey, and be allowed and suffered to make and convey, to and for him, them and every of themselves, such claim or title by way of declaration, plaint, avowry, bar, replication, or other pleading whatsoever, as well against the Queen's highness, her heirs and successors, and every of them, as against all and every other person and persons whatsoever, for or concerning the lands, tenements, hereditaments, or other things whatsoever, specified and contained in any such letters patents, or of, for or concerning any part or parcel thereof, by shewing forth an exemplification or *constat* under the great seal of *England* of the enrollment of the same letters patents, or of so much thereof as shall and may serve to or for such title, claim or matter, the same letters patents then being and remaining in force, not lawfully surrendered nor cancelled, for or concerning so much and such part and parcel of such lands, tenements, hereditaments, or other thing whereunto such title or claim shall be made, as if the same letters patents self were pleaded and shewed forth; any law, usage, or other thing whatsoever to the contrary notwithstanding. *Co. pla. 541.*

CAP. VII.

An act touching orders for bankrupts.

FORASMUCH as notwithstanding the statute made against bankrupts in the thirty-fourth year of the reign of our late seven-reign lord King Henry the Eighth, those kind of persons have and do still increase into great and excessive numbers, and are like more to do, if some better provision be not made for the repression of them, and for a plain declaration to be made and set forth, who is and ought to be taken and deemed for a bankrupt: (2) therefore be it enacted and established by the authority of this present parliament, That if any merchant or other person, using or exercising the trade of merchandize by way of bargaining, exchange, rechange, bartry, chevifance, or otherwise, in gros or by retail, (3) or seeking his or her trade of living by buying and selling, (4) and being subject born of this realm, or of any the Queen's dominions, or denizen, (5) sithence the first day of this present parliament hath, or at any time hereafter shall depart the realm; (6) or begin to keep his or her house or houses, or otherwise to absent him or herself; (7) or take sanctuary; (8) or suffer him or herself willingly to be arrested for any debt or other thing, not grown or due for money delivered, ware sold, or any other just or lawful cause, or good consideration or purposes, (9) hath or will suffer him or herself to be outlawed, or yield him or herself to prison, or depart from his or her dwelling-house or houses, (10) to the intent or purpose to defraud or hinder any of his or her creditors, being also a subject-born as is aforesaid, of the just debt or duty of such creditor or creditors, shall be reputed, deemed and taken for a bankrupt.

II. And be it enacted by the authority aforesaid, That the lord chancellor of *England*, or lord keeper of the great seal of *England*, for the time being, upon every complaint made to him in writing, against any such person or persons being bankrupt as is before defined, shall have full power and authority by commission under the great seal of *England*, to name, assign and appoint such wise and honest discreet persons as to him shall seem good: (2) who or the most part of them, by virtue of this act and of such commission, shall have full power and authority to take by their discretions such order and direction with the body and bodies of such person wheresoever he or she may be had, either in his or her house or houses, sanctuary or elsewhere, as well by imprisonment of his or her body or bodies; (3) as also with all his or her lands, tenements, hereditaments, as well copy or customary hold as freehold, which he or she shall have in his or her own right before he or she became bankrupt; (4) and also with all such lands, tenements and hereditaments, as such person shall have purchased, or obtained for money or other recompence, jointly with his wife, children or child, to the only use of such offender or offenders (5) or of or for such use, interest, right or title as such offender or offenders then shall have in the same, which he or she may lawfully depart withal;

Who is a bankrupt, how and by whom his body, lands and goods shall be ordered for payment of the creditors.

34 & 35 H. 8. c. 4.

4 Inst. 277.

Cro. Eliz. 13.

1 Bulstr. 134.

Who shall be said a bankrupt.

1 Jac. 1. c. 15.

21 Jac. 1. c. 19.

5 Geo. 2. c. 30.

The lord chancellor may grant a commission to take order for bankrupts bodies, lands and goods.

The authority of the commissioners.

2 Bulst. 26.

336, &c.

The commis-
sioners may
sell bankrupts
lands, goods,
&c.

March 26.

Against what
persons the
commissioners
sale of a bank-
rupt's lands,
goods, &c.
shall be avail-
able.

2 Co. 25.
Cro. Car. 149.
Hob. 287.

Vendees of
copyhold lands
shall com-
pound with the
lord of the
manor for
their fines.

The commis-
sioners shall
declare to the
bankrupt how

withal; (6) or with any person or persons of trust to any secret use of such offender or offenders; (7) and also with his or her money, goods, chattels, wares, merchandises and debts, where-soever they may be found or known; (8) and cause the said lands, tenements, fees, annuities, offices, goods, chattels, wares, merchandises and debts to be searched, viewed, rented and appraised to the best value they may; (9) and by deed indented, inrolled in one of the Queen's majesty's courts of record, to make sale of the said lands, tenements and hereditaments, and of all deeds, writings and evidences touching only the same, belonging to such offender or offenders, debtor or debtors; and also of all fees, annuities, offices, goods and chattels; (10) or otherwise to order the same for true satisfaction and payment of the said creditors; that is to say, to every of the said creditors a portion, rate and rate like, according to the quantity of his or their debts: (11) and that every direction, order, bargain, sale and other things done by the said persons so authorized as is aforesaid, in form aforesaid, shall be good and effectual in the law, to all intents, constructions and purposes, against the said offender or offenders, debtor or debtors, his or their wife or wives, heir or heirs, child and children, and such person and persons as by such joint purchase with the said offender or offenders as is aforesaid have or shall have any estate or interest in the premises; (12) and against all other person or persons claiming by, from or under such offender or offenders, debtor or debtors, by any act or acts had, made or done after any such person shall become bankrupt as is aforesaid; (13) and also against the lords of the manors, whereof the said copyhold or customary lands been holden, their heirs, successors and assigns, and every of them.

III. Provided always, and be it enacted by the authority aforesaid, That all and every person or persons, to whom any such sale of copyhold or customary lands or tenements shall be made, shall before such time as they or any of them shall enter or take any profit of the same lands or tenements, agree and compound with the lords of the manors of whom the same shall be holden, for such fines or incomes as heretofore hath been most usual and accustomed to be yielded or paid therefore: (2) and that upon every such agreement or composition, the said lords for the time being, at the next court to be holden at or for the said manors, shall not only grant unto the said vendee or vendees upon request, the same copy or customary lands or tenements by copy of court-roll of the same manors for such estate or interest as to them shall be so sold, and reserving the antient rents, customs and services, but also in the same court admit them tenants of the same copy or customary lands, as other copyholders of the same manors have been wont to be admitted, and to receive their fealty accordingly.

IV. Provided always, and be it enacted by the authority aforesaid, That such of the said commissioners as shall put the said commission in execution, shall upon lawful request to them

made

made by the said bankrupts, not only make a true declaration to the same bankrupt, of the employing and bestowing of their said lands, tenements, offices, fees, goods, chattels and debts so paid and satisfied to their said creditors, but also make payment of the overplus of the same, if any such shall be, to the said bankrupts, their executors, administrators or assigns.

they have bestowed his lands and goods.

V. And be it further enacted by authority aforesaid, That if after any such act or offence committed, and complaint thereof made to the said commissioners so to be appointed as is aforesaid, or the more part of them, by any party grieved as is aforesaid, concerning the premises, knowing, supposing or suspecting any of the goods, chattels, wares, merchandises or debts of such offender or offenders, debtor or debtors, to be in the custody, use, occupying, keeping or possession of any person or persons, or any person or persons to be indebted to any such offender or offenders, do make relation thereof to the said commissioners so to be appointed or the more part of them; that then the said commissioners, or the most part of them, shall by virtue hereof and of the said commission have full power and authority to send for and call before them by such process, ways or means as they shall think convenient by their discretions, all and every such person and persons so known, suspected or supposed to have any such goods, chattels, wares, merchandises or debts in his or their custody, use, occupation, keeping or possession, or supposed or suspected to be indebted to such offender or offenders; (2) and upon their appearance to examine them and every of them, as well by their oaths as otherwise, by such ways and means as the said commissioners or the more part of them by their discretions shall think meet and convenient, for and upon the speciality, certainty, true declaration and knowledge of all and singular such goods, chattels, wares, merchandises and debts of any such offender or offenders, as be supposed or suspected to be in his or their custody, use, occupation or possession, and all such debts as by them or any of them shall be supposed or suspected to be owing to any such offender or offenders.

The remedy where goods or debts of bankrupts be in the hands of others.

VI. And if any such person or persons upon such examination do not disclose and plainly declare, and shew the whole truth of such things as he or they shall be examined of concerning the premises to his knowledge, or do deny to swear; then every such person or persons so denying to swear, or being examined do not declare the plain and whole truth concerning the premises, upon due proof thereof to be made before the said commissioners, or the more part of them so to be appointed as is aforesaid, by witness, examination or otherwise, as to the said commissioners or the more part of them shall seem sufficient in that behalf, shall lose and forfeit double the value of all such goods, chattels, wares, merchandises and debts by them or any of them so concealed, and not wholly and plainly declared and shewed: (2) which forfeiture shall be levied by the said commissioners or the more part of them, of the lands, tenements, hereditaments, goods and chattels of such person so deny-

The penalty of such as be examined that will not disclose the truth, or refuse to swear.

Farther provision relating hereto.

1 Jac. 1. c. 15. s. 10.

How the forfeiture shall be recovered and employed.

nying to swear, or not disclosing the whole truth as is aforesaid, by such ways and means, and in such manner and form, as is before limited and appointed for the principal offender or offenders, debtor or debtors; (3) and the same forfeiture or forfeitures to be distributed or employed to and for the satisfaction and payment of the debts of the said creditor or creditors, in such like manner, rate and form, as is before declared concerning the ordering of the lands and tenements, offices, fees, goods and chattels of such offender or offenders, debtor or debtors, as is aforesaid.

A remedy against them who detain the goods of bankrupts.

VII. And be it further enacted, That if at any time before or after that any such person or persons departeth the realm, or shall keep his or their house or houses, or otherwise absent him or themselves, or take sanctuary, or suffer him or themselves to be arrested, outlawed, or yield his or their bodies to prison as is aforesaid, any person or persons do fraudulently by covin or collusion, claim, demand, recover, possess or detain any debts, duties, goods, chattels, lands or tenements, by writing, trust or otherwise, which were or shall be due, belonging or appertaining to any such offender or offenders, other than such as he or they can and do prove to be due by right and conscience in form aforesaid for money paid, wares delivered, or other just consideration or cause reasonable, to the just value thereof, before the said commissioners so to be appointed, or the more part of them, as is aforesaid, and the same to proceed *bona fide*, without fraud or covin: That then every such person or persons so craftily demanding, claiming, having, possessing or detaining any such debt, duty or other thing as is aforesaid, shall forfeit and lose double as much as he or they shall so claim, demand, detain or possess; which said forfeiture shall be levied, recovered and employed in manner and form as is afore rehearsed.

How the forfeitures shall be bestowed after the bankrupt's debts be paid.

VIII. Provided also, and be it enacted by the authority aforesaid, That if it shall fortune the creditors of any such bankrupt as is aforesaid, to be satisfied and paid off their debts and duties of or with the proper lands, tenements, goods, chattels and debts of the said bankrupts, or of or with the same and some part of the forfeitures of the said double values to be forfeited as is aforesaid, and that there shall remain an overplus of the said forfeitures of the said double values; that then the one moiety of the said overplus of the said forfeitures of the double values so remaining shall be by the said commissioners so executing the said commission, within convenient time after the levying thereof, paid unto the Queen's majesty, her heirs and successors; and the other moiety thereof shall be by the said commissioners employed and distributed to and amongst the poor within the hospitals in every city, town or county, where any such bankrupt shall happen to be; any thing in this act to the contrary thereof notwithstanding.

IX. And be it further enacted by authority aforesaid, That if any such person or persons which is or shall be indebted, do of purpose withdraw him or themselves out of or from his or their usual

A remedy against him who withdraweth

usual mansion-house or houses; that then upon complaint thereof made to the said commissioners, having authority as is aforesaid, the same commissioners or the more part of them shall by virtue and authority of this present act have full power and authority to award five proclamations to be made in the Queen's name, upon five sundry market-days, in such places near the place where such bankrupt hath most commonly dwelled or made his abode, commanding him or them by the same proclamation in the Queen's name, to return with all convenient speed, and to yield his or their body before the said commissioners having authority as is aforesaid, or one of them, at such time and place as by the said proclamation shall be appointed: (2) and if the said person do not according to such proclamation, repair and yield his or their body as is aforesaid, that then the body of all and every such offender or offenders shall be adjudged, taken and deemed, to all intents and purposes, out of the Queen's protection: (3) and that also every person and persons that shall willingly and wittingly help to hide or convey, or shall willingly and wittingly receive, detain or keep secretly, any person or persons so demanded by proclamation, as is aforesaid, shall suffer such pains by imprisonment of his or their bodies, or pay such fine to our sovereign lady the Queen's majesty, her heirs and successors, as to the said lord chancellor or lord keeper of the great seal (being informed thereof by the commissioners so to be appointed, as is aforesaid, or the more part of them) shall seem meet and convenient for their said offence or offences.

himself from his dwelling-place.

The penalty of a bankrupt not yielding himself after proclamation, and of such as do hide or receive him.
F. N. B. 232.

X. Provided always, and be it further enacted, That if the creditors of any such offender or offenders, debtor or debtors, which do depart the realm, keep his or their house or houses, or otherwise absent or withdraw him or themselves into places unknown, or take sanctuary, or will suffer him or themselves to be arrested or outlawed, or yield his or their bodies into prison purposely and for the causes aforesaid, be not fully satisfied, or otherwise contented for their debts and duties, by the ways and means before specified and declared: that then the said creditor or creditors, and every of them, shall and may have their remedy for the recovery and levying of the residue of their said debts or duties whereof they shall not be fully satisfied, paid or otherwise contented in form aforesaid, against the said offender or offenders, in like manner and form as they should and might have had before the making of this act: (2) and that the said creditor or creditors, and every of them, shall be only barred and excluded by virtue of this act, of and for every such part and portion of the said debts and duties as shall be paid, satisfied, distributed or delivered unto him or them, by order of the said persons, as is aforesaid, and of no more portion or parcel thereof; any thing herein specified that may be taken or construed to the contrary notwithstanding.

A remedy for the creditor if he be not satisfied for his whole debt.

XI. Provided always, and be it also enacted by the authority aforesaid, That if any person or persons which is or shall be published and declared to be a bankrupt by virtue of this act, shall at any time after purchase any lands, tenements, hereditaments,

Lands, &c. extendable which be purchased, or do descend

to a bankrupt.
Cro. Car. 568.

free or copy, offices, fees, goods or chattels : (2) Or that any lands, tenements, hereditaments, free or copy, offices, fees, goods or chattels, shall descend, revert or by any means come to any such person or persons, being bankrupts as is aforesaid, before such time as their debts due to their creditors shall be fully satisfied and paid, or otherwise agreed for ; (3) that then the said lands, tenements, hereditaments, as well free as copy, offices, fees, goods and chattels, shall by virtue of this act, by the said commissioners to be appointed, as is aforesaid, or the more part of them, be bargained, sold, extended, delivered and used for and towards the payment of the said creditors, in such like manner and form as other the lands, tenements, hereditaments, free or copy, offices, fees, goods and chattels of the said bankrupts, which they had when they were declared first to be bankrupts, should or might have been bargained, sold, disposed or used by virtue of this act.

Lands conveyed away before the party become bankrupt.
Moor 594. pl. 805.
2 Co. 26.

XII. Provided always, That this act shall not extend to any lands, tenements or hereditaments, free or copyhold, which heretofore have been assured by any such bankrupt, or hereafter shall be assured by any bankrupt before he become bankrupt : So always that such assurance be made *bona fide*, and not to the use of the bankrupt himself only, or of his heirs : (2) And that the parties to whose use such assurance hath or shall be made, be not at or before the making of such assurance, privy or consenting to the fraudulent purpose of any such bankrupt, to deceive his creditors. 21 Jac. 1. c. 19.

CAP VIII.

An act against usury.

The statute of 37 H. 8. c. 9. revived, and the statute of 5 & 6 Ed. 6. c. 20. repealed; both which were made against usury, &c.
3 Inst. 151.
2 Roll. 240.

WHEREAS in the parliament holden the seven and thirtieth year of the reign of our late sovereign lord King Henry the Eighth, of famous memory, there was then made and established one good act for the reformation of usury : By which act the vice of usury was well repressed, and especially the corrupt chevisance and bargaining by way of sale of wares, and shifts of interest : And where since that time by one other act made in the fifth and sixth years of the reign of our late sovereign lord King Edward the Sixth, the said former act was repealed, and new provisoes for repressing of usury devised and enacted : Which said latter act hath not done so much good as was hoped it should, but rather the said vice of usury, and especially by way of sale of wares and shifts of interest, hath much more exceedingly abounded, to the utter undoing of many gentlemen, merchants, occupiers and others, and to the importable hurt of the common wealth, (2) as well for that in the said later act there is no provision against such corrupt shifts and sales of wares, as also for that there is no difference of pain, forfeiture or punishment upon the greater or lesser exactions and oppressions by reason of loans upon usury :

The statute of 5 & 6 Ed. 6. c. 20. repealed, and the stat. of 37 H. 8. c. 9. revived.

II. Be it therefore enacted, That the said later statute made in the fifth and sixth years of the reign of King Edward the Sixth, and every branch and article of the same, from and after the five and twentieth day of June next coming, shall be utterly abrogated,

abrogated, repealed and made void: (2) And that the said late act made in the said seven and thirtieth year of King *Henry* the Eighth, from and after the said five and twentieth day of *June* next coming, shall be revived and stand in full force, strength and effect.

III. And be it further enacted, That all bonds, contracts and assurances, collateral or other, to be made for payment of any principal or money to be lent, (2) or covenant to be performed upon or for any usury in lending or doing of any thing against the said act now revived, (3) upon or by which loan or doing there shall be reserved or taken above the rate of ten pounds for the hundred for one year, shall be utterly void.

All contracts and assurances whereby above 10 l. in the 100 l. shall be reserved, shall be void.

Noy 2.
Hutley 25.
Raft. 689.

IV. And be it further enacted, That all brokers, solicitors and drivers of bargains for contracts or other doings against the said statute now revived, whereupon shall be reserved or taken more than after the rate of ten pounds for the loan of one hundred pound for a year, shall be to all intents and purposes judged, punished and used as counsellors, attornies or advocates in any case of *præmunire*.

The penalty of brokers and drivers of usurious bargains. Co. Entr. 435.

V. And forasmuch as all usury, being forbidden by the law of God, is *sin* and detestable, (2) be it enacted, That all usury, loan and forbearing of money, or giving days for forbearing of money, by way of loan, chevissance, shifts, sale of wares, contracts or other doings whatsoever, for gain, mentioned in the said statute, which is now revived, whereupon is not reserved or taken, or covenanted to be reserved, paid or given to the lender, contractor, shifter, forbearer or deliverer, above the sum of ten pound for the loan or forbearing of a hundred pound for one year, or after that rate for a more or lesser sum or time, shall be from the five and twentieth day of *June* next coming punished in form following; that is to say, That every such offender against this branch of this present statute, shall forfeit so much as shall be reserved by way of usury above the principal, for any money so to be lent or forborn: (3) All such forfeitures to be recovered and employed as is limited for forfeitures by the said former statute now revived.

He that taketh 10 l. or less for the loan of 100 l. shall forfeit the interest only.

VI. And be it further enacted, That justices of *oyer* and *determiner*, and justices of assise in their circuits, justices of peace in their sessions, mayors, sheriffs and bailiffs of cities, shall also have full power and authority to inquire, hear and determine of all and singular offences committed against the said statute now revived.

What magistrates may hear and determine the offences aforesaid.

VII. And be it further enacted, That the said statute now revived shall be most largely and strongly construed for the repressing of usury, and against all persons that shall offend against the true meaning of the said statute, by any way or device, directly or indirectly.

The statute of 37 H. 8. c. 9. shall be construed strongly for the repressing of usury.

VIII. Provided alway, That this statute doth not extend, nor shall be expounded to extend unto any allowances or payments for the finding of orphans, according to the ancient rates or

customs of the city of *London*, or any other city where like order is for the custody of orphans and their goods, as is in the said city of *London*.

In what case an offender shall be also punished by the ecclesiastical law,

IX. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the said five and twentieth day of *June*, offend contrary to the said statute revived by this present act, made in the seven and thirtieth year of the reign of the said late King *Henry* the Eighth; that then all and every such offender and offenders shall and may also be punished and corrected, according to the ecclesiastical laws heretofore made against usury: (2) And that all and every person and persons offending in usury, stiifts, or chevifance, against this present act, and not taking or receiving, but only after the rate of ten pounds in the hundred or under for a year, shall be only punished by the pains and forfeitures provided and appointed by this act, against such as shall not take or receive over and above the rate of ten pounds in the hundred for a year, and not otherwise. (3) This act to continue and endure for and during the space of five years next after the end of this present parliament, and from thence unto the end of the first session of the parliament then next ensuing.

X. And be it further enacted by the authority aforesaid, That if this present act shall not be continued in the first session of the parliament next ensuing the said term of five years, and then in the same session no other statute or provision made against usury or corrupt chevifance; that then all and every the laws and statutes repealed by this act shall remain and be of such like force and effect as if this present act had never been had ne made. 21 Jac. 1. c. 17. made perpetual by 39 Eliz. c. 18. V. 12. An. stat. 2. c. 16.

C A P. IX.

An act for the commission of sewers.

3 & 4 Ed. 6. c. 8.

FOrasmuch as no commission of sewers, by the statutes heretofore made, may have continuance above the space of five years:

(2) Be it therefore enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth all and every commission and commissions of sewers now standing in force, or that hereafter shall be granted and made, shall stand and continue in force for the term of ten years next ensuing the date of every such commission, unless the same commission or commissions be or hereafter shall be repealed or determined by reason of any new commission in that behalf made, or by *superfedeas*: (3) And that all such laws, ordinances and constitutions as be or shall be duly made by force of any such commission, according to the tenor and effect limited in any former statute heretofore made touching commission or commissions of sewers, and being written in parchment indented, and under the seals of the said commissioners, or six of them (whereof the one part shall

Stat. 23 H. 8. c. 5.

A commission of sewers shall continue ten years.

The orders of the commissioners of sewers shall be of force without the certificate

shall remain with the clerk appointed and to be appointed for the commission of sewers for the time being, and the other part in such place as the same commissioners, or six of them, (shall order and appoint) shall, without any certificate thereof to be made into the court of chancery, and without the royal assent to the same had, stand and continue in full force and effect notwithstanding any determination of any such commission by *superfedas*, until such time as the same laws, constitutions and ordinances shall be altered, repealed or made void by the commissioners after to be assigned and appointed, for sewers in those parts where the same laws, ordinances and constitutions were made, ordained and constituted, or by six of them.

II. And be it further enacted by the authority aforesaid, That at all times from and after the end and expiration of the term of ten years next ensuing the date or *teste* of any commission of sewers hereafter to be made, all such laws, ordinances and constitutions, as were made by virtue of any such commission, and written in parchment indented and sealed as is above-mentioned, without certificate thereof, or the assent royal to the same had, as is aforesaid, shall, notwithstanding the determination of any such commission by the expiration of the term of ten years next ensuing the date of any such commission of sewers, likewise continue in force for and by the space of one whole year then next ensuing: (2) And that the justices of peace in the shire and shires where the same laws, ordinances and constitutions are to be executed within their several commissions or limits, or six of them, whereof two to be of the *quorum*, shall have power and authority, by the space of one whole year next after the expiration of every such commission, to execute the same laws, ordinances and constitutions, and every of them, as fully and in as ample manner and form as the commissioners, or any of them, named and appointed in every or any commission so expired, might or should have done, to all intents and purposes as if the said commission or commissions had continued in force.

The commissioners of sewers orders shall continue one year, though the commission do expire.

The justices of peace may for one year execute the commission of sewers, unless a new commission be granted,

III. Provided always, and be it nevertheless enacted, That if any new commission of sewers shall be made within the said year, that then immediately from and after such commission newly made and published, the power of the said justices of the peace and every of them, in any wise concerning the execution of any such laws, ordinances and constitutions of sewers, shall utterly cease; any thing or things in this act to the contrary expressed in any wise notwithstanding.

IV. And be it further enacted, That no farmer or farmers for term of years, of any manors, lands or tenements, lying or being within the precincts or limits of any such commission of sewers, which be or hereafter may be ordered and chargeable by any laws, ordinances, or constitutions made or to be made by virtue of any such commission, wherein he or they shall be named or appointed commissioner or commissioners, not having estate of freehold within the realm of England of or in manors,

A farmer of lands chargeable shall not be a commissioner within the same precinct.

lands or tenements, of the yearly value of forty pounds, shall at any time hereafter have power to sit, or in any wise intermeddle with the execution of such commission or commissions, during the time he or they shall continue or be such farmer or farmers of any such manors, lands or tenements, and shall not have estate of freehold, as is aforesaid; (2) but that every such commission, as having respect only to every such person or persons for such and so long time as he or they shall so be and continue farmer or farmers of any such manors, lands or tenements, shall be deemed and adjudged in law to be as void and of none effect; any thing in the same commission, or any statute or law heretofore made, to the contrary notwithstanding.

There shall be no certificate or return of the commission.

1 Lev. 288.

2 Vent. 66, 67.

V. And be it further enacted by the authority aforesaid, That from henceforth the said commissioners, nor any of them, shall not be compelled or compellable to make any certificate or return of the said commissions, or any of them, or of any their ordinances, laws or doings, by the authority of any the said commissions, nor shall not have any fine, pain or amerciamento set upon them, or any of them, or any ways to be molested in body, lands or goods, for that cause,

The fines and amerциaments shall be estreated into the exchequer.

VI. And yet nevertheless, to the intent the Queen's majesty our sovereign lady, her heirs and successors, may at all times hereafter be truly answered of all such issues, fines and amerциaments, as shall happen, grow or be forfeited by virtue of any such commission, or by the execution thereof: (2) Be it also enacted, That the clerk and clerks appointed, and hereafter to be appointed, for and in any such commission and commissions of sewers, shall yearly truly estreat all the said issues, fines, penalties, forfeitures and amerциaments, that shall be due and answerable to her Highness, her heirs and successors; (3) and the same estreats shall yearly deliver into the court of the exchequer at such time and times, and in such manner and form, as justices assigned to and for the conservation of the peace in any wise should or ought to do by virtue of their commission, (4) upon pain to forfeit to our sovereign lady the Queen, her heirs and successors, for every default in that behalf made, five pounds.

In what case a farmer of lands chargeable may be a commissioner.

VII. Provided always, That it shall be lawful for any commissioner, being also a farmer, and not having lands and tenements to the clear yearly value of forty pounds of freehold, to sit by virtue of the said commission, and have his voice and full authority with others to make and establish ordinances for sewers, according to the tenor of the commission, touching and concerning all lands and tenements within the precinct of every such commission, other than such lands and tenements as he or they, for the time being, hold and enjoy as farmer, as he or they might have done before the making of this statute; any thing therein contained to the contrary notwithstanding. 3 Jac.

1. c. 14.

CAP. X.

Fraudulent deeds made by spiritual persons to defeat their successors of remedy for dilapidations, shall be void, &c.

WHERE divers and sundry ecclesiastical persons of this realm, being endowed and possessed of ancient palaces, mansion-houses, and other edifices and buildings, belonging to their ecclesiastical benefices or livings, have of late years, not only suffered the same for want of due reparations partly to run to great ruin and decay, and in some part utterly to fall down to the ground, converting the timber, lead and stones to their own benefit and commodity; (2) but also have made deeds of gift, colourable alienations, and other conveyances of like effect, of their goods and chattels in their lives-time, to the intent and of purpose, after their deaths, to defeat and defraud their successors of such just actions and remedies as otherwise they might and should have had for the same against their executors or administrators of their goods, by the laws ecclesiastical of this realm, (3) to the great defacing of the state ecclesiastical, and intolerable charges of their successors, and evil precedent and example for others, if speedy remedy be not provided:

II. Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any archbishop, bishop, dean, archdeacon, provost, treasurer, chaunter, chancellor, prebendary, or any other having any dignity or office in any cathedral or collegiate church within this realm; (2) or if any parson, vicar, or other incumbent of any ecclesiastical living whereunto do belong any house or houses, or other buildings, which by law or custom he is bound to keep, and maintain in reparation; (3) do from henceforth make any deed or deeds of gift or alienation, or other like conveyances of his moveable goods or chattels, to the intent and purpose aforesaid; that then the successor and successors of him that shall make such deed or deeds of gift or alienation, shall and may commence suit, and have such remedy in any court ecclesiastical of this realm competent for the matter against him or them to whom such deed or deeds of gift or alienation shall be so made, for the amendment and reparation of so much of the said dilapidations and decays, or just recompence for the same, as hath happened by his fact or default, (4) in such sort as he might, should or ought lawfully to have, if he or they to whom such deed or deeds of gift or alienation shall be so made, were executor or executors of the testament and last will of him that made such deed or deeds of gift or alienation, or were administrator or administrators of his goods or chattels; any law, custom or other thing to the contrary in any wise notwithstanding.

III. And for that long and unreasonable leases made by colleges, deans and chapters, parsons, vicars, and other having spiritual promotions, be the chiefest causes of the dilapidations and the decay of all

Wrongs and frauds practised by divers ecclesiastical persons.
Hob. 84.
2 Roll. 169.

How the successor shall have remedy where the predecessor doth make a fraudulent deed to defeat him for dilapidations.
14 Eliz. c. 11.
f. 17.
1 Leon. 307.

1 Roll. 151,
168, 171.
2 Roll. 169,
170, 275, 403,
405, 408.

What conveyances, and for what time spiritual persons may make of their lands, tithes, &c.

2 Bulstr. 305. Moor 593. pl. 802.

No new lease to be made unless the first expires, &c with three years, &c.

18 Eliz. c. 11. s. 1. by

14 Eliz. c. 11. s. 17, &c. not

to extend to leases of houses,

and which are otherwise provided for

by that statute.

129. 2 Co. 46. Goldsb. 171.

&c. 14 Eliz. c. 14.

Leases limited by the private statutes of any college.

New leases made upon the surrender of old, or former covenants.

1 And. 65.

Hob. 7.

2 Roll. 402,

406.

4 Co. 120.

3 Co. 14.

So much of the stat. of 5 El. c. 5. as concerneth the transporting of sea-fish and herring in English ships with cros

spiritual livings and hospitality, and the utter impoverishing of all successors incumbents in the same. (2) Be it enacted by the authority aforesaid, That from henceforth all leases, gifts, grants, feoffments, conveyances or estates, to be made, had, done or suffered (3) by any master and fellows of any college, dean and chapter of any cathedral or collegiate church, master or guardian of any hospital, parson, vicar, or any other having any spiritual or ecclesiastical living, or any houses, lands, tithes, tenements or other hereditaments, being any parcel of the possessions of any such college, cathedral church, chapter, hospital, parsonage, vicarage or other spiritual promotion, or any ways appertaining or belonging to the same, or any of them, to any person or persons, bodies politick or corporate, (4) (other than for the term of one and twenty years, or three lives, from the time as any such lease or grant shall be made or granted, whereupon the accustomed yearly rent or more shall be reserved and payable yearly during the said term) (5) shall be utterly void and of none effect, to all intents, constructions and purposes; any law, custom or usage to the contrary any ways notwithstanding.

1 Mod. 204. Cro. El. 430. Cro. Car. 259. Vaugh. 204. 4 Co. 26. Savil 117, &c. not to extend to leases of houses, and which are otherwise provided for by that statute. 129. 2 Co. 46. 6 Co. 27. 11 Co. 67. 2 Mod. 56. Co. Lat. 44. a. b. Moor 459. pl. 636. pl. 102. 1 Brownl. 182. 8 Co. 70. Hob. 269. declared to include Beds-houses, &c. 14 Eliz. c. 14.

IV. Provided nevertheless, and be it enacted by the authority aforesaid, That this act, nor any thing therein contained, shall be taken or construed to make good any lease or other grant to be made by any such college or collegiate church within either of both the universities of Oxford and Cambridge, or elsewhere within the realm of England, for more years than are limited by the private statutes of the same college.

V. Provided always, That this act shall not extend to any lease hereafter to be made upon surrender of any lease heretofore made, or by reason of any covenant or condition contained in any lease heretofore made, and now continuing, so that the lease to be made do not contain more years than the residue of the years of the former lease now continuing shall be at the time of such lease hereafter to be made, nor any less rent than is reserved in the said former lease. Continued by 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28. to the end of the next sessions of parliament, and continued by 16. Car. 1. c. 4.

C A P. XI.

An act for the maintenance of navigation.

WHERE at the parliament holden at Westminster in the fifth year of your Majesty's reign, there was among other, made and provided an act touching certain politick constitutions made for the maintenance of the navy, and in the same amongst other things it was enacted, That from the first day of April in the year of our Lord God one thousand five hundred sixty-four, and so from thenceforth, it should be lawful to all and every the subjects of your Majesty, your heirs

heirs and successors, at his and their will and pleasure, to carry and transport out of this realm, in their ships and other vessels of any the subjects aforesaid, all and every kind of herring, and other sea-fish to be taken upon the sea by any the subjects aforesaid; any act of parliament or law to the contrary notwithstanding: (2) And that all and every person and persons which should by virtue of that act transport or carry any herring or sea-fish from out of any port or harbour of this realm, to any place out of the dominions of your Majesty, your heirs and successors, should be free from payment of any customs, subsidy or poundage-money, for the same fish so carried or transported during the space of four whole years, beginning at the said first day of April one thousand five hundred sixty-four, and so surshet during your Majesty's pleasure, which term of four years is now expired and ended:

II. And where it is by experience found, that the said act hath been a very good act, and greatly increased the navy and fishermen, and causeth many poor men to be set to-work, and is in great likelihood daily to increase the same more and more: (2) It may please your most excellent Majesty, of your abundant grace, that it may be enacted by authority of this present parliament, That so much of the said act as is above recited for liberty of transporting of herring and sea-fish by the natural born subjects of your majesty, your heirs or successors, and for freedom from paying of any custom, subsidy or poundage-money, shall be revived, and shall from henceforth continue for the space of six years from the end of this session of parliament, and from thenceforth to the end of the next parliament after the said six years to be summoned, and from thenceforth during your Majesty's most gracious pleasure, so that such transporting be in vessels with cross sails.

III. And where also in the said act made in the said fifth year, amongst other things, all manner of persons are generally forbidden to bring into this realm any cods or lings in barrels or other casks, upon pain of forfeiture of all the cods and lings so to be brought in, or the value thereof contrary to the tenor of this act: (2) Forasmuch as by that branch of the said statute, it was well intended and meant to meet with the fraud of strangers and other, which brought into this realm great quantity of cods and lings deceitfully packed in barrels, and not meant to hinder any the Queen's majesty's subjects using uprightness and truth in the barrelling of such fish: (3) May it therefore please your Majesty, that it be further enacted by the authority aforesaid, That after the feast of Easter, which shall be in the year of our Lord God one thousand five hundred seventy-five, it shall be lawful from thenceforth to all your Majesty's loving subjects born within this realm, or within any other your Majesty's dominions, (using no fraud or deceit in packing or barrelling thereof) for the term of six years next ensuing, to bring into this realm, or any other your Highness dominions, all such cods and lings as they shall happen to take upon the sea by their own fishing in vessels with cross sails, without incurring any forfeiture,

fails, without the payment of custom, revived, &c.

A continuance of part of the stat. of 5 Eliz. c. 5. for six years. EXP.

5 Eliz. c. 5. l. 10.

What cods may be brought into the realm in barrels and casks. EXP. 27 Eliz. c. 11. 15.

forfeiture or penalty therefore; any thing in the said act contained to the contrary notwithstanding.

IV. *And for the avoiding of the lewd outrages committed and done upon the sea-coasts of Norfolk and Suffolk, by the catches, mongers and picards pretending to buy fresh herrings, and which do cut in sunder divers pieces of fishermens nets travelling the big seas to take fresh herring, to the utter undoing of the said poor fishermen:* (2)

What kind of ships shall not anchor upon the sea in the time of common fishing.

Be it therefore enacted, ordained and established by the authority of this present parliament, That no person or persons using any ship, boat or vessel called catch, monger or picard, or other vessel of like use, shall in the time of common fishing upon the said sea-coasts of *Norfolk and Suffolk*, between the fourteenth day of *September* and the fourteenth day of *November*, from sun-setting to sun-rising, anchor upon the main sea, or in the common stream or trade of fishing, where the fishermen use to drive; (3) upon pain to forfeit their catch, monger, picard or vessel, with the tackle and all the fish in the same or the value thereof; the one half to your Majesty, your heirs and successors, the other half to the bailiffs, burghesses and commonalty of the town of *Great Yarmouth*, to be employed to the recompensing his damages to the party whose nets shall be so cut, and to the building and repairing of the decayed haven there, and to be taken by way of seizure, or otherwise to be recovered by bill, action or information in any of your Majesty's courts of record; any statute, law or usage to the contrary notwithstanding.

V. *And where your subjects using the trade of fishing for herring, have of many years, and time out of mind, used to pack their herring in cask or barrels containing about two and thirty gallons of usual wine measure, and with such assise hath been usually gauged and allowed at your honourable city of London, and do contain the same measure of two and thirty gallons, according to such usual brass measure as is out of your honourable court of exchequer delivered to your said honourable city of London;* (2) *which measure yet hath lately been quarrelled at by certain informers, for that the same contain not two and thirty gallons by the old measure of standard, which they never did, though peradventure the extremity of old statutes in words, by some mens construction, might be stretched to require so much:* (3) *And for that the usual barrels now be as great as ever within the time of any memory they have been known to be, and the alteration thereof would be a great decay and peril of undoing to the said fishermen:* (4)

The assise of herring barrels.

It may also please your most excellent Majesty, that it be also enacted and declared, That the said assise of two and thirty gallons of wine measure which is about eight and twenty gallons by old standard, well packed, and containing in every barrel usually a thousand full herrings at the least, is and shall be taken for good, true and lawful assise of herring barrels, throughout the whole liberty of the said town of *Great Yarmouth*, and elsewhere; any ancient or former law or statute to the contrary notwithstanding.

No foreign fish shall be dried within England to be sold.

VI. Be it further enacted, That no fish hereafter to be taken or brought into this realm by any stranger, nor any fish commonly called *Scottish* fish or *Flemish* fish, shall be dried within

England

England to be sold, upon pain of forfeiture of all such fish to be dried contrary to the meaning of this act, or the value thereof: (2) which forfeiture shall be to such person dwelling at any town where is any port, peer or haven as will seize the same fish, or will sue for the same value in any court of record, to be employed to the reparation and maintenance of such port, peer or haven as is next to the place where the offence shall be committed.

C A P. XII.

An act for the ministers of the church to be of sound religion.

THAT the churches of the Queen's majesty's dominions may be served with pastors of sound religion, (2) be it enacted by the authority of this present parliament, That every person under the degree of a bishop, which doth or shall pretend to be a priest or minister of God's holy word and sacraments, by reason of any other form of institution, consecration or ordering, than the form set forth by parliament in the time of the late King of most worthy memory, King *Edward* the Sixth, or now used in the reign of our most gracious sovereign Lady, before the feast of the nativity of Christ next following, (3) shall in the presence of the bishop or guardian of the spiritualities of some one diocese where he hath or shall have ecclesiastical living, declare his assent, and subscribe to all the articles of religion, which only concern the confession of the true christian faith and the doctrine of the sacraments, comprised in a book imprinted, intituled, *Articles, whereupon it was agreed by the archbishops and bishops of both provinces, and the whole clergy in the convocation holden at London in the year of our Lord God one thousand five hundred sixty and two, according to the computation of the church of England, for the avoiding of the diversities of opinions, and for the establishing of consent touching true religion put forth by the Queen's authority*; (4) and shall bring from such bishop or guardian of spiritualities in writing, under his seal authentick, a testimonial of such assent and subscription; (5) and openly on some Sunday in the time of the publick service afore noon, in every church where by reason of any ecclesiastical living he ought to attend, read both the said testimonial and the said articles; (6) upon pain that every such person which shall not before the said feast do as is above appointed, shall be *ipso facto* deprived, and all his ecclesiastical promotions shall be void, as if he then were naturally dead.

II. And that if any person ecclesiastical, or which shall have ecclesiastical living, shall advisedly maintain or affirm any doctrine directly contrary or repugnant to any of the said articles, and being convented before the bishop of the diocese or the ordinary, or before the Queen's highness commissioners in causes ecclesiastical, shall persist therein, or not revoke his error, or after such revocation estsoon affirm such untrue doctrine, such maintaining or affirming and persisting, or such estsoon affirming, shall be just cause to deprive such person of his ecclesiastical pro-

*7 bis act. en-
forced by 5
Ann. c. 5.*

*2 & 3 Ed. 6.
c. 1.
5 & 6 Ed. 6.
c. 1.*

*Every ecclesiastical person shall subscribe to the articles touching the confession of the faith, and declare his assent thereunto.
March 119.
Vaugh. 131,
133.
Lane 4.
Dyer 377.
Cro. El. 252,
511, 679.
1 Roll. 83, 475.*

*Reading of the articles and testimonial.
Hob. 168.
6 Co. 29.*

The penalty for maintaining of doctrine against the articles.

promotions; (2) and it shall be lawful to the bishop of the diocese or the ordinary, or the said commissioners, to deprive such person so persisting, or lawfully convicted of such offences affirming, and upon such sentence of deprivation pronounced he shall be indeed deprived.

Several things required in him who shall be admitted to a benefice.
1 Leon. 230.
1 And. 62.

III. And that no person shall hereafter be admitted to any benefice with cure, except he then be of the age of three and twenty years at the least and a deacon, and shall first have subscribed the said articles in presence of the ordinary, and publicly read the same in the parish church of that benefice, with declaration of his unfeigned assent to the same: (2) and that every person after the end of this session of parliament, to be admitted to a benefice with cure, except that within two months after his induction he do publicly read the said articles in the same church whereof he shall have cure, in the time of common prayer there, with declaration of his unfeigned assent thereunto, and be admitted to minister the sacraments within one year after his induction, if he be not so admitted before, shall be upon every such default, *ipso facto*, immediately deprived.

IV. And that no person now permitted by any dispensation or otherwise, shall retain any benefice with cure, being under the age of one and twenty years, or not being deacon at the least, or which shall not be admitted as is aforesaid, within one year next after the making of this act, or within six months after he shall accomplish the age of four and twenty years, on pain that such his dispensation shall be merely void.

The age of a minister or preacher, and his testimonials.
3 Bulstr. 90.
3 Mod. 67.
4 Mod. 135,
136.
2 Salk. 539.

V. And that none shall be made minister, or admitted to preach or administer the sacraments, being under the age of four and twenty years; (2) nor unless he first bring to the bishop of that diocese, from men known to the bishop to be of sound religion, a testimonial both of his honest life and of his professing the doctrine expressed in the said articles: (3) nor unless he be able to answer, and render to the ordinary an account of his faith, in *latin* according to the said articles, or have special gift or ability to be a preacher: (4) nor shall be admitted to the order of deacon or ministry, unless he shall first subscribe to the said articles.

Who may have a benefice of the yearly value of 30 l.

VI. And that none hereafter shall be admitted to any benefice with cure of or above the value of thirty pounds yearly in the Queen's books, unless he shall then be a batchelour of divinity, or a preacher lawfully allowed by some bishop within this realm, or by one of the universities of *Cambridge* or *Oxford*.

Admissions, inductions, tolerations.

VII. And that all admissions to benefices, institutions and inductions, to be made of any person contrary to the form or any provision of this act, and all tolerations, dispensations, qualifications and licences whatsoever to be made to the contrary hereof, shall be merely void in law, as if they never were.

No lapse upon deprivation, but after notice.
Dyer 377.

VIII. Provided alway, That no title to confer or present by lapse, shall accrue upon any deprivation *ipso facto*, but after six months after notice of such deprivation given by the ordinary to the patron. 1 Roll 155.

CAP. XIII.

An act for the increase of tillage, and maintenance of the navy. When 22 Car. 2. c. 13. corn may be transported and when not. Corn may be transported out Savil 22. of some ports, and with some kind of ships, when the prices be allowed reasonable. For farther provisions relating hereto, see 1 Jac. 1. c. 25 f. 26. 21 Jac. 1. c. 28. f. 3. and 3 Car. 1. c. 4. f. 24. 22 Car. 2. c. 13. 1 Jac. 2. c. 1. 1 W. & M. Sess. 1. c. 13. 2 Geo. 2. c. 18. 5 Geo. 2. c. 12. Who shall have authority to determine of the transporting of corn or the restraint thereof. The justices order shall be first notified to the Queen or her council, and then allowed. The custom due to the Queen of corn transported either by force of this statute or by licence. The Queen by proclamation may restrain the transporting of corn. 1 & 2 P. & M. c. 5.

CAP. XIV.

An act for the bringing of bow-staves into this realm.

WHEREAS the use of archery not only hath ever been but also yet is, by God's special gift to the English nation, a singular defence of this realm, and an occasion of many noble victories and both a very wholesome exercise for the health and strength of mens bodies, and a maintenance of a great number of the Queen's true subjects and artificers, as bowyers, fletchers, stringers, arrowhead-makers, and others of this realm: and for that among other causes of the decay of archery one great cause is, the excessive price of bow-staves, which groweth principally by the scarcity of bow-staves brought into this realm: (2) for reformation whereof, be it enacted by the authority of this present parliament, That all the statutes made in the xij. year of the reign of King Edward the Fourth, concerning bringing in of certain numbers of bow-staves, according to the weight or value of other wares to be brought into this realm, shall from henceforth be duly put in execution.

II. And be it enacted and declared by this present statute, That all merchant strangers, using to bring wares into this realm from the east parts, as well as from the lxxij. hanse towns, be comprised and meant under the name of, and bound as the merchants mentioned and bound by the said statute to bring in bow-staves, upon like pains and forfeitures as by the said statutes are appointed. And where the greatest cause of not putting the said statute in execution hath been, that the forfeitures thereby limited, are by the said statute given only to the Queen's majesty, her heirs and successors, without any reward to the person that shall sue for the same: be it enacted, That from henceforth all the forfeitures, appointed by the said statutes, shall be employed in form following, that is to say, The one half thereof to the Queen's majesty, her heirs and successors, the other half to such persons as shall sue for the same in any court of record, wherein no essoin, protection, nor wager of law for the defendant shall be admitted or allowed: and it may please the Queen's most excellent majesty, That it be on her Highness's part straightly charged and commanded, that all the statutes now remaining in force for repressing of unlawful games, and for the maintenance and use of archery, shall be duly put in execution for ever, under the pains

The benefit of archery, and the cause of the decay thereof.

What merchants are compellable to bring bow-staves into this realm.

Who shall have the forfeitures and by what means.

Anno decimo tertio *ELIZABETHÆ. C. 15;—20. [1570.*
 pains in the said statutes contained. *Continued by 3 Car. I. c. 4.*
16 Car. I. c. 4.

CAP. XV.

An act that no hoy or plate shall cross the seas.—*to continue until the end of the next parliament.*

CAP. XVI.

The convictions, outlawries and attainders of *Charles earl of Westmoreland*, and fifty-seven others, attainted of treason for open rebellion in the north parts, confirmed. The Queen, her heirs and successors shall have for this time all the lands and goods which any of the said persons attainted within the bishoprick of Durham had, against the bishop and his successors, though he claimeth *Jura Regalia*, and challengeth all the said forfeitures in the right of his church. 18 El. c. 4.

CAP. XVII.

Robert earl of Leicester shall have authority to found an hospital in Warwick or Kenelworth, for relief of poor and impotent people: which hospital shall have capacity to purchase lands in any county of England, not exceeding the yearly value of two hundred pounds above all charges, that be not holden of the Queen immediately by knight's service in chief, or else by knight's service not in chief.

CAP. XVIII.

The river of Lee, otherwise called Ware-River, by a new cut or trench (to be made within ten years, at the charges of the lord mayor, commonalty and citizens of London) shall be made to convey by water, all victuals, corn and other necessities, from the town of Ware to the city of London, and from London to Ware. Stat. 3 H. 6. c. 5. 9 H. 6. c. 9.

CAP. XIX.

Every person above the age of seven years shall wear upon the sabbath and holyday (unless in the time of their travels out of their towns, hamlets, &c.) upon their head, a cap of wool knit, thicked and dressed in England, made within this realm, and only dressed and finished by some of the trade of cappers, upon pain to forfeit for every day not wearing three shillings four pence: except maids, ladies, gentlewomen, noble personages, and every lord, knight and gentleman of twenty marks land and their heirs, and such as have born office of worship in any city, borough, town, hamlet or shire: and the wardens of the worshipful companies of London. *Repealed by 39 El. c. 18. s. 45.*

CAP. XX.

An act touching leases of benefices, and other ecclesiastical livings with cure.

Godbolt 29.
 pl. 38.
 Poph. 8.
 How long the
 lease of a be-
 nefice shall
 endure.
 1 Leon. 307,
 333.
 1 Bulstr. 111.
 Farther provi-
 sions relating
 hereto.

THAT the livings appointed for ecclesiastical ministers may not by corrupt and indirect dealings be transferred to other uses; (2) be it enacted by the authority of this present parliament, That no lease after the fifteenth day of *May* next following the beginning of this parliament, to be made of any benefice or ecclesiastical promotion with cure, or any part thereof, and not being impropriated, shall endure any longer than while the lessor shall be ordinarily resident and serving the cure of such benefice without absence above fourscore days in any one year, but that every such lease, [* so soon as it or any part thereof shall come to any possession or use above forbidden, or] immediately upon such absence, shall cease and be void; and the incumbent so

* Note, these words in brackets are repealed by 14 Eliz. c. 11. s. 14.

offending shall for the same lose one year's profit of his said benefice, to be distributed by the ordinary among the poor of the parish: and that all chargings of such benefices with cure hereafter with any pension, or with any profit out of the same to be yielded or taken, hereafter to be made, other than rents to be reserved upon leases hereafter to be made according to the meaning of this act, shall be utterly void.

18 El. c. 11.
f. 7.
43 El. c. 9. f. 8.
No benefice
with cure shall
be charged
with a pen-
sion.

Goldsb. 154.
270. pl. 422.

1 Brownl. 208. Noy 116. Yelv. 106. Cro. El. 78, 88, 123, 490, 564. Moor 24 Eliz. c. 11. f. 14.

II. Provided, That every parson by the laws of this realm allowed to have two benefices, may demise the one of them upon which he shall not then be most ordinarily resident, to his curate only, that shall there serve the cure for him; (2) but such lease shall endure no longer than during such curate's residence, without absence above forty days in any one year: (3) this act to continue to the end of the next parliament. *Made perpetual.*

The parson's
lease to his
curate.

3 Leon. 102.
1 Leon. 100.
Goldsb. 162.

3 Car. I. c. 4.

CAP. XXI.

An act that purveyors may take away grain, corn or victual within five miles of Cambridge and Oxford, in certain cases. *Continued by 3 Car. 1. c. 4. and farther continued by 16 Car. 1. c. 4. alt. 12 Car. 2. c. 24.*

CAP. XXII.

An act for continuance of the severance of the sheriffs in sundry counties.

CAP. XXIII.

A way without Algate in the suburbs of London, sometime called the Bars without Algate: and a way leading from the Old Cage to the north end of Nightingale-Lane: and another way between the said Old Cage and Crafs-Mill in the parish of St. Mary, shall be paved with stone, and so shall be for ever continued by those which be seized in fee-simple, fee tail, or for term of life, of lands adjoining to the said highway on the one side or on the other, unto the midst of the said ways, upon pain to forfeit three shillings four-pence for every yard square not paved.

23 Eliz. c. 12.

CAP. XXIV.

The streets of Ipswich in the county of Suffolk, and the suburbs thereof, shall be paved with good paving stone, and for ever repaired by the owners, landlords or terre tenants, along from and against their houses, lands and tenements adjoining to the street, viz. so much of the said street in length, as his house, lands, &c. so adjoining, extendeth unto, and in breadth, during all the said length to the channel, or to such place as the channel there shall be appointed by the bailiffs, on pain of forfeiture for every yard square, not sufficiently repaired, eight-pence. The bailiffs of Ipswich, and the portmen there, the church-wardens, and four of every parish, shall have authority to tax upon every house, ground and tenement, free and copy, situate within the several parishes of Ipswich, reasonable sums of money to be yearly paid, as well toward the finding of a convenient stipendiary minister within every parish, as for the reparation of the churches there.

CAP. XXV.

An act for reviving and continuance of certain statutes.

WHERE in the parliament begun and holden at London the third day of November in the one and twentieth year of the reign of our late most dread sovereign lord of famous memory, King Henry

Divers statutes
for winding of
wool, touch-
ing attaints,
for preserva-

tion of woods, against fore-stallors, &c. keeping of milch kine, and breeding of calves, made perpetual; and other statutes revived, &c.
 23 H. 8. c. 17.
 23 H. 8. c. 3.
 35 H. 8. c. 17.
 5 & 6 Ed. 6. c. 14.
 2 & 3 Ph. & M. c. 3.

Henry the Eighth, and from thence adjourned to Westminster, and there holden and continued by divers prorogations until the dissolution thereof, an act was made for the true winding of wools.

II. And where also in the same parliament one other act was made and established for attaints to be sued for the punishment of perjury upon untrue verdicts.

III. And where in the parliaments holden at Westminster in the thirty-fifth year of the reign of our said late sovereign lord King Henry the Eighth, one act was made for the preservation of wools.

IV. And where also at the session of a parliament by prorogation holden at Westminster the * three and twentieth day of January in the fifth year of the reign of our late sovereign lord King Edward the Sixth, one act was then and there made against regrators, forestallors and ingrossers.

V. And where also at a parliament begun and holden at Westminster the twenty-first day of October in the second and third years of the reigns of the late King Philip and Queen Mary, and there continued until the dissolution of the same, one act was made then and there for keeping of milch-kine; and for the breeding and rearing of calves: (2) all which acts were by sundry acts of parliament continued in force and effect until the end and dissolution of the last parliament of our sovereign lady the Queen's majesty that now is, at which time the same several acts and every of them were discontinued, and lost their force and effects; (3) which acts abovementioned, and every of them, by proof and experience, have since the making of the same been tried, and found to be very necessary beneficial and profitable for the common wealth of this realm, and therefore are thought good to be made perpetual: (4) be it therefore enacted by the Queen's majesty our said sovereign lady, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said acts above-remembered, and every of them, and all and every the branches, clauses and provisions in them and every of them contained, shall be revived, and from henceforth remain and continue in force and effect for ever.

Anno 8 Eliz.

The five former statutes revived, to continue for ever.

21 H. 8. c. 8.

VI. And where also in the said parliament begun and holden at London on the third day of November in the said one and twentieth year of the reign of the said late King Henry the Eighth, and from thence adjourned to Westminster, and there continued by prorogation until the dissolution thereof, one act was there made, intituled, An act against the killing of young beasts, called weynlings.

3 & 4 Ed. 6. c. 19.

VII. And where in the session of a parliament ended at Westminster in the first day of February in the fourth year of the reign of our said late sovereign lord King Edward the Sixth, one act was made concerning the buying and selling of rother-beasts.

3 & 4 Ed. 6. c. 21.

VIII. And also one other act was then and there likewise made intituled, An act for buying and selling of butter and cheefe; (2) all which acts were continued until the end of the last parliament of our said sovereign lady the Queen's majesty that now is, at which time the

the same were likewise for defect of further continuance discontinued, and lost their force and effects.

IX. *And where also an act was made in the first session of the said parliament, holden in the fifth year of her Majesty's reign, intituled, An act for the maintenance and increase of tillage.* 5 El. c. 2.

X. *And one other act then also made, intituled, An act for the relief of the poor: which were to endure to the end of the next session of the same parliament, and then also in the end of the said parliament discontinued and lost their force and effect, for defect of further continuance.* 5 El. c. 3.

XI. *And where also in the parliament begun and holden at Westminster in the twenty-third day of January in the first year of the reign of the Queen's majesty that now is, and there continued by prorogation until the dissolution thereof, one act was then and there made, intituled, An act for the preservation of spawn and fry of fish: which act was to endure to the end of the next parliament, and then in the same next parliament was not any further continued, and so likewise lost its force and effect.* 1 El. c. 17.

XII. *Forasmuch as all the said acts and every of them last recited, do seem by trial and experience of them hitherto had, to be good, profitable and necessary for the common wealth of this realm, and therefore to be revived and to have yet further continuance: (2) be it therefore enacted by our said sovereign lady the Queen's majesty, with the assent of the said lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all the said last mentioned acts and every of them, and all the articles, clauses and provisions in them and every of them contained, shall be likewise revived, and shall from henceforth continue and endure in full force and effect until the end of the next parliament.* The last mentioned six acts revived and continued until the end of the next parliament.

XIII. *And where also one act, intituled, An act for the making of gaols in divers shires of this realm, was made in the foresaid parliament begun and holden in the third day of November in the one and twentieth year of the reign of our said late sovereign lord King Henry the Eighth, and sithence by divers acts continued until the death of the same late King; (2) and after in the last session of the parliament begun and holden upon prorogation at Westminster the four and twentieth day of October in the first year of the reign of our said late sovereign lady Queen Mary, the same act, and all clauses and sentences therein contained, was then made to continue and endure until the end of ten years then next ensuing the end of the same parliament; (3) which act afterwards in the first session of parliament begun and holden at Westminster the twelfth day of January in the fifth year of the reign of our said sovereign lady the Queen's majesty that now is, and there by prorogation continued until the dissolution thereof, was by one act then and there made and intituled, An act for the reviving of a statute made Anno vicefimo tertio Henrici octavi touching the repairing of gaols, made to continue and endure in full force and effect, and to be observed and kept in all things, unto the end and term of ten years next ensuing* Anno 23 H. 8. c. 2. Examined. M. sess. 2. c. 14. 5 El. c. 24.

ensuing the last day of the same parliament, and was also by the said act made in the same fifth year of her Majesty's reign, in certain points and articles enlarged, as by the said act more fully appeareth: (4) and forasmuch as the said acts made in the said one and twentieth year of the reign of the said late King Henry the Eighth, and in the said session of parliament holden in the fifth year of our said sovereign lady the Queen's majesty that now is, touching the making and repairing of gaols, are thought to be very good and beneficial for the common wealth of this realm, and do not yet extend to the county of Cambridge: (5) be it therefore enacted, That the said acts shall extend to the said county of Cambridge, and to and for the making and repairing of gaols in the same county, in all and every thing and article, as fully and in as ample manner and form, as the same acts and either of them, do extend to the counties and gaols in them and either of them specially mentioned, and as though the said county of Cambridge, and the gaol in the same county, had been in the same acts and either of them specially mentioned: (6) and that the said acts, and every clause, sentence and provision in them and either of them contained, shall continue and endure, and be observed in all things, as well within the said county of Cambridge, as in other the counties or shires in the same acts and in either of them specified, for ten whole years next ensuing the end and determination of the ten years mentioned in the said act made in the said fifth year of the reign of our said sovereign lady the Queen's majesty that now is. EXP.

The statute of 23 H. 8. c. 2. & 5 El. c. 24. shall extend to the county of Cambridge, and endure ten years.

5 El. c. 7.

XIV. And where in the first session of the parliament begun and holden at Westminster in the said fifth year of the reign of our sovereign lady the Queen's majesty that now is, and from thence continued by prorogation until the dissolution thereof, one act was then and there made, intituled, An act for the avoiding of divers foreign wares made by handicraftsmen beyond the seas; (2) and one other act, intituled, An act for the punishment of such persons as should procure or commit any wilful perjury; which acts were limited to endure to the end of the next parliament:

5 El. c. 9.

8 El. c. 10.

XV. And where also in the last session of the same parliament holden by prorogation at Westminster in the eighth year of the reign of the Queen's most excellent majesty that now is, one act was then and there made, intituled, An act for bowyers, and the prices of bows, and was made to continue to the end of the first session of the then next parliament:

8 El. c. 15.

The foresaid stat. of 5 El. c. 7. & 9 and of El. c. 10 & 15. continued until the end of the next parliament.

XVI. And also withal one other act then made, intituled, An act for the preservation of grain, and to continue to the end of the next parliament ensuing: (2) all which several acts without further continuance, will end and discontinue in this present parliament, and also lose their force and effects; wherefore and forasmuch as the same several acts and every of them do seem good, beneficial and needful to be further continued for the weal and profit of this realm, (3) be it therefore further enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the same acts and every

of them, and each and every article, clause and sentence in them and every of them contained, shall continue, be and endure in full force and effect until the end of the next parliament.

XVII. Provided nevertheless, and be it enacted by the authority aforesaid, That the said act concerning the avoiding of foreign wares made by handicraftsmen beyond the seas, or any clause, article or meaning therein contained, shall not in any wise extend or be prejudicial to any intercourse or treaties of any intercourse now standing in force, had or made between the progenitors of the Queen's majesty, or her Highness, and any others; any thing heretofore, or now, ordained or enacted to the contrary in any wise notwithstanding.

This proviso is repealed by 14 El. c. 11. s. 13.

XVIII. *For the more increase of woods, where by an act of parliament made in the five and thirtieth year of the reign of King Henry the Eighth, intituled, For the preservation of woods, &c. there are several clauses limiting how many years all manner of lands or coppice-woods, being several or in common, shall next after the felling thereof be sufficiently inclosed, or the springs thereof otherwise saved and preserved from destruction, as by the same act more particular appeareth: (2) for that by experience it is found, that the space and time of the said several years of inclosure or preservation is not sufficient; (3) be it enacted by authority of this present parliament, that from the twentieth of June next all manner of woods or coppice intended by the said act to be inclosed, and the springs thereof preserved, shall be sufficiently inclosed, and the springs thereof otherwise saved from destruction, by the space of two full years more than in the several clauses of the said acts is severally limited, according to the age of the woods felled, upon like pains as are contained in the foresaid clauses of the said act, concerning inclosure or preservation of the said woods, coppice or springs; (4) and that from the said twentieth of June next following, it shall not be lawful for any manner of person to put any manner of cattle in any coppice-woods inclosed to be preserved, from the time of the sale thereof until the end of five years, nor from the end of five years, any other cattle but calves and yearling colts only, until the end of six years if the wood was under the age of fourteen years at the last fall, or until the age of eight years, if the wood was above the age of fourteen years at the time of the last fall, &c.*

35 H. 8. c. 17.

How long time the spring of woods shall be preferred in severalty.

At what age of wood, cattle may be put in to them, and then what cattle.

XIX. Provided that this addition to the statute of woods shall continue as long in force as the aforesaid statute made in the thirty-fifth year of the reign of King Henry the Eighth.

35 H. 8. c. 17.

XX. Provided always, and be it enacted by the authority aforesaid, That no person or persons shall be a buyer, badger, kidder, or carrier of corn, cattle, butter, cheese and such like kind of victual, in none other manner nor form than is contained in a statute made in the fifth year of the reign of our sovereign lady Queen Elizabeth, nor shall be any other ways admitted or licenced to be a buyer, badger, kidder, or carrier

5 El. c. 12.

Who may be buyer, badger or carrier of corn, butter, &c.

as is aforesaid, than is mentioned and appointed by the said statute; any thing in this or any other act heretofore to the contrary notwithstanding.

To what foreign victuals the statute of 5 & 6 Ed. 6. c. 14. shall not extend. 18 Car. 2. c. 22.

XXI. Provided always, and be it enacted, That the said act against regrators, forestallers and ingrossers is not meant to extend, nor shall extend to any wines, oils, sugars, spices, currants, nor other foreign victuals, brought or to be brought into this realm from beyond the seas; fish and salt only excepted.

CAP. XXVI.

A confirmation of a subsidy of six shillings in the pound, granted to the Queen by the clergy, to be paid in three years.

CAP. XXVII.

A confirmation of two fifteens and tenths, and one subsidy granted to the Queen by the temporality.

CAP. XXVIII.

A confirmation of the Queen's free and general pardon. Except, &c.

CAP. XXIX.

An act concerning the several incorporations of the universities of Oxford and Cambridge, and the confirmation of the charters, liberties and privileges granted to either of them.

FOR the great love and favour that the Queen's most excellent majesty beareth towards her highness universities of Oxford and Cambridge, and for the great zeal and care that the lords and commons of this present parliament have for the maintenance of good and godly literature, and the virtuous education of youth within either of the said universities, and to the intent that the ancient privileges, liberties and franchises of either of the said universities heretofore granted, ratified and confirmed by the Queen's highness, and her most noble progenitors, may be had in greater estimation, and be of greater force and strength, for the better increase of learning, and the further suppressing of vice: be it therefore enacted by the authority of this present parliament, That the right honourable Robert earl of Leicester, now chancellor of the said university of Oxford, and his successors for ever, and the masters and scholars of the same university of Oxford for the time being, shall be incorporated and have a perpetual succession in fact, deed and name, by the name of the chancellor, masters and scholars of the university of Oxford; and that the same chancellor, masters and scholars of the same university of Oxford, for the time being, from henceforth, by the name of chancellor, masters and scholars of the university of Oxford, and by none other name or names shall be called and named for evermore; and that they shall have a common seal to serve for their necessary causes touching and concerning the said chancellor, masters, and scholars of the said university of Oxford, and their successors: and likewise that the right honourable Sir William Cecil knt. baron of Burgbley, now chancellor of the said university of Cambridge, and his successors for ever, and the masters and scholars of the

the same university of *Cambridge* for the time being, shall be incorporated and have a perpetual succession in fact, deed and name, by the name of the chancellor, masters and scholars of the university of *Cambridge*; and that the same chancellor, masters and scholars of the said university of *Cambridge*, for the time being, from henceforth, by the name of chancellor, masters and scholars of the university of *Cambridge*, and by no other name or names, shall be called and named for evermore; and that they shall have a common seal to serve for their necessary causes touching and concerning the said chancellor, masters and scholars of the said university of *Cambridge*, and their successors: and further, that as well the chancellor, masters and scholars of the said university of *Oxford*, and their successors, by the name of chancellor, masters and scholars of the university of *Oxford*, as the chancellor, masters and scholars of the said university of *Cambridge*, and their successors, by the name of chancellor, masters and scholars of the university of *Cambridge*, may severally implead and be impleaded, and sue and be sued for all manner of causes, quarrels, actions real, personal and mixt, of whatsoever kind, quality or nature they be, and shall and may challenge and demand all manner of liberties and franchises, and also answer and defend themselves under and by the name aforesaid, in the same causes, quarrels and actions, for every thing and things whatsoever, for the profit and right of either of the aforesaid universities, to be done before any manner of judge, either spiritual or temporal, in any courts and places within the Queen's highness dominions whatsoever they be: And be it further enacted by the authority aforesaid, That the letters patents of the Queen's highness most noble father King *Henry* the Eighth, made and granted to the chancellor and scholars of the said university of *Oxford*, bearing date the first day of *April* in the fourteenth year of his reign, and the letters patents of the Queen's majesty that now is, made and granted unto the chancellor, masters and scholars of the university of *Cambridge*; bearing date the twenty-sixth day of *April* in the third year of her Highness most gracious reign, and also all other letters patents, by any of the progenitors or predecessors of our said sovereign lady, made to either of the said incorporated bodies severally, or to any of their predecessors, of either of the said universities, by whatsoever name or names the said chancellor, masters and scholars of either the said universities, in any of the said letters patents, have been heretofore named, shall from henceforth be good, effectual and available in the law to all intents, constructions and purposes, to the foresaid now chancellor, masters and scholars of either of the said universities, and to their successors for ever more, after and according to the form, words, sentences and true meaning of every of the same letters patents, as amply, fully and largely, as if the same letters patents were recited *verbatim* in this present act of parliament; any thing to the contrary in any wise notwithstanding. And furthermore

be it enacted by the authority aforesaid, That the chancellor, masters and scholars of either of the said universities, severally, and their successors for ever, by the same name of chancellor, masters and scholars of either of the said universities of *Oxford* and *Cambridge*, shall and may severally have, hold, possess, enjoy and use to them, and to their successors for evermore, all manner of manors, lordships, rectories, parsonages, lands, tenements, rents, services, annuities, advowsons of churches, possessions, pensions, portions and hereditaments, and all manner of liberties, franchises, immunities, quietances and privileges, view of frank-pledge, law-days, and other things whatsoever they be, the which either of the said corporated bodies of either of the said universities had, held, occupied or enjoyed, or of right ought to have had, used, occupied and enjoyed, at any time or times before the making of this act of parliament, according to the true intent and meaning as well of the said letters patents made by the said noble prince King *Henry* the Eighth, made and granted to the chancellor and scholars of the university of *Oxford*, bearing date as is aforesaid, as of the letters patents of the Queen's majesty made and granted unto the chancellor, masters and scholars of the university of *Cambridge*, bearing date as aforesaid, and as according to the true intent and meaning of all the other the foresaid letters patents whatsoever; any statute or other thing or things whatsoever heretofore made or done to the contrary in any manner of wise notwithstanding. And be it further enacted by the authority aforesaid, That all manner of instruments, indentures, obligations, writings obligatory and recognizances, made or knowledged by any person or persons or body corporate, to either of the said corporated bodies of either of the said universities, by what name or names soever the said chancellor, masters and scholars of either of the said universities have been heretofore called in any of the said instruments, indentures, obligations, writings obligatory or recognizances, shall be from henceforth available, stand and continue of good perfect and full force and strength to the now chancellor, masters and scholars of either of the said universities, and to their successors, to all intents, constructions and purposes, although they or their predecessors, or any of them, in any of the said instruments, indentures, obligations, writings obligatory or recognizances, be named by any name contrary or diverse to the name of the now chancellor, masters and scholars of either of the said universities. And be it also enacted by the authority aforesaid, That as well the said letters patents of the Queen's highness said father King *Henry* the Eighth, bearing date as is before expressed, made and granted to the said corporate body of the said university of *Oxon*, as the letters patents of the Queen's majesty aforesaid granted to the chancellor, masters and scholars of the university of *Cambridge*, bearing date as aforesaid, and all other letters patents by any of the progenitors or predecessors
of

of her Highness, and all manner of liberties, franchises, immunities, quietances and privileges, letes, law-days, and other things whatsoever therein expressed, given or granted to the said chancellor, masters and scholars of either of the said universities, or to any of their predecessors of either of the said universities, by whatsoever name the said chancellor, masters and scholars of either of the said universities in any of the said letters patents be named, be and by virtue of this present act shall be from henceforth ratified, established and confirmed unto the said chancellor, masters and scholars of either of the said universities, and to their successors for ever; any statute, law, usage, custom, construction or other thing to the contrary in any wise notwithstanding. Saving to all and every person and persons, and bodies politick and incorporate, their heirs and successors, and the heirs and successors of every of them, other than to the Queen's majesty, her heirs and successors, all such rights, titles, interests, leases, entries, conditions, charges and demands, which they and every of them had, might or should have had, of, in or to any the manors, lordships, rectories, parsonages, lands, tenements, rents, services, annuities, advowsons of churches, pensions, portions, hereditaments and all other things in the said letters patents, or in any of them mentioned or comprised, by reason of any right, title, charge, interest or condition to them or any of them, or to the ancestors or predecessors of them or any of them, devolute or grown before the several dates of the said letters patents, or by reason of any gift, grant, demise or other act or acts, at any time made or done between the said chancellor, masters and scholars of either of the said universities of *Cambridge* and *Oxford*, or any of them, and others, by what name and names soever the same were made and done, in like manner and form as they and every of them had or might have had the same before the making of this act; any thing, &c. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to the prejudice or hurt of the liberties and privileges of right belonging to the mayors, bailiffs and burgesses of the town of *Cambridge* and city of *Oxford*; but that they the said mayors, bailiffs and burgesses, and every of them, and their successors, shall be and continue free in such sort and degree, and enjoy such liberties, freedoms and immunities, as they or any of them lawfully may or might have done before the making of this present act; any thing contained in this present act to the contrary notwithstanding.

Anno decimo quarto Regina ELIZABETHÆ.

AT this present session of parliament holden at Westminster the eighth day of May in the fourteenth year of the reign of our sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued until the last day of June following: to the high pleasure of Almighty God, and weal publick of this realm, amongst other, were enacted as followeth.

CAP. I.

It shall be felony to take or keep from the Queen any of the castles, forts, holds, &c. or to raze or burn any castle or fort having the Queen's munition or ordnance therein, or guarded with soldiers, and advisedly to express the same by words, act or writings. It shall be high treason to withhold from the Queen any of the castles, holds, &c. or any of her ships, artillery or fortification of war; or to burn and destroy any of her ships, or to bar any haven; *during the Queen's life.*

CAP. II.

3 Inf. 6. 12. 14. The penalty for conspiring, devising or going about to enlarge any prisoner committed to prison or custody by the Queen's special commandment, for any treason or suspicion of treason concerning her own person, and the same conspiracy, device, &c. by express words, writing or other matter, manifestly to declare or set forth, before the prisoner shall be indicted, shall be deemed misprision of treason, after indictment felony, after attainder high treason. *To endure only during the Queen's life.*

CAP. III.

An act against the forging and counterfeiting of foreign coin being not current within this realm.

It is misprision of high treason to forge money which is not the coin of this realm, nor current therein.

3 Inf. 17.

FORASMUCH as by the laws or statutes of this realm, small or no condign punishment is at this time provided for such evil-disposed persons as shall counterfeit or forge such kind of gold or silver of other realms as is not the proper coin of this realm, nor current in payment within this realm; by reason whereof divers evil-disposed persons, as well without this realm as within, are encouraged and emboldened daily to counterfeit or forge such kind of gold and silver, and utter the same in this realm, in great deceit of her Majesty's subjects: (2) be it enacted by our said sovereign lady the Queen, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That if any person or persons hereafter falsly forge or counterfeit any such kind of coin of gold or silver as is not the proper coin of this realm, nor permitted to be current within this realm; that then every such offence shall be deemed and adjudged misprision of high treason; (3) and the offenders therein, their procurers, aiders and abettors, being convicted according to the laws of this realm

The penalty of forging of

realm of such offences, shall be imprisoned, and forfeit such lands, goods and chattels, as in cases of misprision of treason for concealment of high treason.

coin which is not the money of this realm, nor current therein.

C A P. IV.

The statute of 1 El. c. 10. prohibiting the transporting of leather, tallow and raw hides, shall be revived for seven years. EXP. and REP. 18 Eliz. c. 9.

C A P. V.

An act for the punishment of vagabonds, and for the relief of the poor and impotent.

A repeal of the statute of 22 H. 8. c. 12. and 3 & 4 Ed. 6. c. 16. and 5 & 6 E. 9. c. 2. provided for the relief of the poor, and punishment of vagabonds. A vagabond above the age of fourteen years shall be adjudged to be grievously whipped, and burned through the grille of the right ear with a hot iron of the compass of an inch, unless some credible person will take him into service for a year. And if being of the age of eighteen years, he after do fall again into a roguish life, he shall suffer death as a felon, unless some credible person will take him into service for two years. And if he fall a third time into a roguish life, he shall be adjudged a felon. Who shall be adjudged vagabonds? the penalty for the relief of them. Who may make passports and licences and to whom? Assessments shall be made of the parishioners of every parish for the relief of the poor of the same parish. Every bishop shall visit and reform hospitals within his diocese. No person shall bring any rogue out of Ireland or the isle of man into England.

Repealed by
35 El. c. 7.
f. 24.
39 El. c. 4.
and 18.
43 El. c. 2.

XXXVII. It shall and may be lawful for the justices of peace of every shire within this realm, at their general quarter-sessions of the peace to be holden within the same shires, or the most part of the said justices being then present, to rate and tax every parish within the said shires, at such reasonable sums of money, for and towards the relief of the said prisoners as they shall think convenient by their discretions; so that the said taxation and rate doth not exceed above six pence or eight pence by the week out of every parish; and that the churchwardens of every parish within this realm for the time being shall every Sunday levy the same, and once every quarter in the year pay to the high constables or head officers of every town, parish, hundred, riding or wapentake within this realm, all such sums of money as their parish shall be rated and taxed, for and towards the relief of the said prisoners within their said several parishes: and that the said high constables and head officers, and every of them, shall pay all such sums of money so to them paid by the said churchwardens, at every general quarter-sessions to be holden within the said several shires, to such sufficient persons dwelling nigh the said gaols as shall be appointed by the said justices in their said open quarter-sessions, to be there ready to receive the said money so collected as is aforesaid; and that the collectors for the said prisoners shall weekly distribute and pay all such sums of money as they and every of them shall receive for the relief of the said prisoners as aforesaid; upon pain as well the said churchwardens of every parish, constables and head officers of every hundred or wapentake, as also the said collectors appointed for the collection and contribution of the said prisoners, so

A provision for the relief of the prisoners in the common gaol. Continued as to the taxing of gaol money, by 1 Jac. 1. c. 25. 21 Jac. 1. c. 28. 3 Car. 1. c. 4. and farther continued by 16 Car. 1. c. 4.

The forfeiture of the churchwardens, constables or collectors omitting their duties.

mak-

making default as aforefaid, to forfeit five pounds; the one moiety thereof fhall be to the ufe of the Queen's majefty, her heirs and fucceffors, and the other moiety to the relief of the prifoners; any ftatute, law, cuftom, ufe or other thing to the contrary in any wife notwithstanding.

Justices of peace fhall not meddle in any city, borough, &c. but the mayors or officers of the fame.

XXXVIII. Provided always, That the justices of peace within any county of this realm or *Wales*, fhall not intromit or enter into any city, borough, place or town corporate where be any juftice or justices of peace for any fuch city, borough, place or town corporate for the execution of any branch, article or fentence of this act, for or concerning any offence, matter or caufe growing or arifing within the precincts, liberties or jurisdictions of fuch city, borough, place or town corporate; but that it may and fhall be lawful to the juftice and justices of peace, mayor, bailiffs and other head officers of thofe cities, boroughs, places and towns corporate where there be juftice or justices, to proceed to the execution of this act, within the precinct and compafs of their liberties, in fuch manner and form as the justices of peace in any county may or ought to do within the fame county by virtue of this act; any matter or thing in this act expreffed to the contrary thereof notwithstanding.

XXXIX. And that every juftice and justices of the peace, within every fuch city, borough, place and town corporate, for every offence by them or any of them to be committed contrary to the intent and meaning of this ftatute fhall be punifhable and chargeable, as other justices of peace at large in the counties are by this act above appointed to be.

CAP. VI.

3 Inft. 178.
Lanc 47.

The Queen may make grants by copy of court-roll, ufual wood-fales or other things, of lands of fugitives contrary to 13 Eliz. c. 3. as tenant *pur terme dauter vie*, may do. The rents of fugitives lands fhall be anfwerable in the exchequer, and of duchy lands in the court of the duchy of *Lancaster*. EXP.

CAP. VII.

An act againft the deceits of under-collektors of the tenths and fubfidies of the clergy.

The ftatute of 13 El. c. 4. making treafurers and receivers lands to be liable to the payment of the Queen's debts, fhall extend to under-collektors of tenths and fubfidies.

FOR avoiding and redrefs of great deceits done to the Queen's majefty, and to the prelates and clergy of this realm, by under-collektors of the tenths and fubfidies of the clergy, appointed by and under the archbifhops and bifhops of this realm, and deans and chapters (*fede vacante*;) (2) be it enacted, That the ftatute made in the thirteenth year of her Majefty's reign, to make the lands, tenements, goods and chattels of tellers, receivers, &c. to be liable to the payment of their debts, fhall to all intents and purpofes as amply and largely extend, and be conftrued to extend, to all fuch under-collektors of tenths and fubfidies of the clergy, and to their lands, tenements and hereditaments, goods and chattels, for fatisfying of fuch money as they have collected, or fhall collect of the faid tenths and fubfidies to the ufe of the Queen's majefty, her heirs or fucceffors (of what yearly fum foever the charge of their

their collection is or shall be) in like form as it doth extend to the tellers, receivers and other persons accountant, whom the said act specially and expressly concerneth, and in as ample wise, as if such under-collectors were immediately accountant to the Queen's majesty, her heirs or successors; any provision in the said statute or other matter whatsoever to the contrary notwithstanding.

II. And that every such under-collector shall upon process to be awarded out of the court of exchequer, be chargeable to account for his receipt of such tenths and subsidies as any receiver immediately accountant to her Majesty is or ought to be; (2) and that every archbishop and bishop, and dean and chapter (*sede vacante*) to whose charge the collection of such tenths or subsidies doth or shall appertain, shall be discharged of so much of the said tenths and subsidies as shall be satisfied to the Queen's majesty, her heirs or successors, of or by the lands, tenements, hereditaments, goods or chattels of such under-collector or his heirs, without any other warrant whatsoever in that behalf to be obtained. *Revised by 1 Jac. 1. c. 25. s. 31.*

The under-collectors shall account in the exchequer. The bishop shall be discharged of so much as is levied of his under-collector's lands or goods.

CAP. VIII.

An act for the avoiding of recoveries suffered by collusion by tenants for term of life, and such others.

WHERE divers persons being seised or that have been seised of lands, tenements and hereditaments, as tenants by the courtesy of England, tenants in tail after possibility of issue extinct, or otherwise, only for term of life or lives, or of estates determinable upon life or lives, have heretofore permitted and suffered other persons by agreement or covin between them had, to recover the same lands and tenements and other hereditaments against the same particular tenants in the Queen's majesty's court, (2) or have permitted and suffered themselves to be vouched by other persons, by agreement or covin between them had, in recoveries suffered of the same lands, tenements and other hereditaments in the Queen's majesty's court, (3) to the great prejudice of those to whom the reversion or remainder thereof hath appertained or ought to appertain :

A recovery had by the assent of parties against tenant for term of life, without the assent of him in reversion or remainder, shall be void, and the statute of 32 H. 8. c. 31. repealed.

II. For remedy whereof be it enacted by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all such recoveries hereafter to be had or prosecuted by agreement of the parties, or by covin as is aforesaid, against any such particular tenant of any lands, tenements or hereditaments, whereof the same particular tenant is or hereafter shall be seised of any such particular estate as is aforesaid, (2) or against any other with voucher over of any such particular tenant, or of any having or that had right or title to any such particular estate or tenancy as is aforesaid, (3) shall from henceforth, as against such person or persons to whom any reversion or remainder thereof by force of any conveyance or device before that time had or made, shall, ought or lawfully may appertain, and against their heirs and successors, be clearly and

Co. Entr. 655. 670.

2 Leon. 60, 63. Recoveries against tenants for life, &c. by covin shall be void. Moor 690, 953. Co. Entr. 15. Cro. El. 562.

and utterly void and of none effect; any law or usage heretofore had to the contrary thereof in any wise notwithstanding.

Recovery by good title.

III. Provided alway, That this act nor any thing therein contained shall extend or be prejudicial to any person or persons that shall hereafter by good title recover any lands, tenements or hereditaments, without fraud or covin, by reason of any former right or title; (2) but that all and every such recovery and recoveries so to be had or prosecuted upon former rights or titles, shall stand and be in like force, strength and effect, as they were before the making of this act; any thing herein contained to the contrary in any wise notwithstanding.

A recovery by the assent of him in the reversion or remainder.

IV. Provided also, That all and every such recovery and recoveries to be had or prosecuted of any lands, tenements or hereditaments as aforesaid, by the assent and agreement of any person or persons to whom any reversion or remainder thereof then shall or ought to appertain (so that the same assent and agreement do appear of record in any court of our sovereign lady the Queen's majesty, her heirs or successors) shall stand and be in like force, strength and of like effect, against such person and persons that shall so assent and agree, their heirs and successors, as they were before the making of this act; any thing herein contained to the contrary in any wise notwithstanding.

30 Co. 43.

A repeal of the statute of 32 H. 8. c. 31. touching recoveries. Co. Lit. 356. a. 362. a.

V. Be it further enacted by the authority aforesaid, That one act made in the two and thirtieth year of our late sovereign lord King Henry the Eighth, entituled, *An act for the avoiding of recoveries by collusion, by tenants for term of life*, shall be from the first day of July next ensuing repealed, and shall no longer stand in force.

C A P. IX.

An act declaring that the tenant and defendant may have a tales de circumstantibus, as well as the demandant or plaintiff.

35 H. 8. c. 6. 5 El. c. 25. In what case a tales de circumstantibus shall be granted at the tenant's or defendant's suit.

FOR the avoiding of great and chargeable delays oftentimes happening unto tenants and defendants, (2) be it enacted, That in all cases, whereas the party plaintiff or demandant by any statute heretofore made; may have upon his or their request made unto the justices of *nisi prius* within this realm of *England*, or to the justices of *oyer* or of assizes of the twelve shires of *Wales*, and of the counties palatines of *Lancaster*, *Chester* and *Durham*, a *tales de circumstantibus*, that in all and every such case and cases, the party and parties, tenants, actors, avowants and defendants, (if the plaintiffs or demandants shall upon the calling of the principal panel or jury forbear or refuse to pray the same) shall and may, upon his or their request or desire, have upon the same record and by the same justices the *tales* or *taleses* unto them granted, in like manner, form and degree, to all respects and purposes, as the plaintiff or demandant in any suit or action may have the same by any statute or ordinance heretofore made or set forth; (3) and the rather for the speedy trial of the issue and issues joined or hereafter to be joined in any plea,

plea, suit or action; any law, custom or usage heretofore used to the contrary thereof in any wise notwithstanding.

II. Provided also, and be it further enacted by the authority aforesaid, That in all popular actions, informations, bills or suits commenced or had, or hereafter to be commenced or had, in any the Queen's majesty's courts of record, upon any penal laws or statutes wherein any person doth or shall sue or prosecute, or inform, as well for the Queen's majesty, her heirs and successors, as for himself, whereupon issue is or shall be joined to be tried by the country, that therein the party defendant or defendants shall be admitted to pray, and have a *tales de circumstantibus* as in other cases aforesaid.

The defendant may have a *tales* in popular actions.

CAP. X.

No person using the trade of making of kerries, shall purposely make any above the length of eighteen yards. REP. 3 Jac. 1. c. 16.

CAP. XI.

An act for the continuation, explanation, perfecting and enlarging of divers statutes.

WHERE in the parliament holden upon prorogation at Westminster the fourth day of February in the four and twentieth year of the reign of the late King Henry the Eighth, one act was there made, intituled, An act to continue and renew the act made against killing of calves; and one other act, intituled, An act against killing of young beasts, called wainlings.

Several statutes made in the reigns of King H. 8. King E. 6. and Queen Eliz. revived,

II. And where in the session of a parliament ended at Westminster on the first day of February in the fourth year of the reign of our late sovereign lord King Edward the Sixth, one act was made concerning the buying and selling of rother beasts.

continued and explained, &c. 24 H. 8. c. 7. 24 H. 8. c. 9. 3 & 4 Ed. 6. c. 19.

III. And also one other act was then and there likewise made, intituled, An act for the buying and selling of butter and cheefe.

3 & 4 Ed. 6. c. 21.

IV. And where also an act was made in the first session of the parliament holden in the fifth year of the Queen's majesty's reign, intituled, An act for the maintenance and increase of tillage.

5 El. c. 2. 1 El. c. 17.

V. And where also in the parliament begun at Westminster on the three and twentieth day of January in the first year of the reign of the Queen's majesty that now is, and there continued by prorogation until the dissolution thereof, one act was then and there made, intituled, An act for the preservation of spawn and fry of fish.

VI. And where also in the first session of the parliament begun and holden at Westminster in the fifth year of the reign of our sovereign lady the Queen's majesty that now is, and from thence continued by prorogation until the dissolution thereof, one act was then and there made, intituled, An act for the avoiding of divers foreign wares made by handicraftsmen beyond the seas.

5 El. c. 7.

VII. And one other act, intituled, An act for the punishment of such persons as should procure or commit any wilful perjury; which acts were limited to endure to the end of the next parliament.

5 El. c. 9.

VIII. And where also in the last session of the same parliament holden by prorogation at Westminster in the eighth year of the reign of

8 El. c. 10.

of

of the Queen's most excellent majesty that now is, one act was then and there made, intituled, An act for bowyers, and the prices of bows, and was made to continue to the end of the first session of the next parliament.

8 El. c. 15.

IX. And also one other act was then made, intituled, An act for the preservation of grain; (2) all which several acts and statutes were made to continue but for certain times; and all which acts made in the said fourth year of King Edward the Sixth, and in the said first, fifth and eighth years of the Queen's majesty's reign, were at the last parliament holden at Westminster the second of April in the thirteenth year of the reign of our said sovereign lady the Queen's majesty, made to continue and stand in force unto the end of the next parliament then next following.

13 El. c. 25.

13 El. c. 5.

X. And where also in the parliament begun and holden at Westminster the second day of April in the thirteenth year of the reign of our said sovereign lady the Queen, one act and statute was then and there made, for the avoiding and abolishing of feigned, covenous and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, intituled, An act against fraudulent deeds, gifts, grants, alienations, &c. which act and statute was then made to endure unto the end of the first session of the next parliament, as by the said act more plainly will appear.

13 El. c. 20.

XI. And where also in the said parliament begun and holden at Westminster the said second day of April, there was also one other act and statute made for the avoiding of some leases in certain cases, to be made of ecclesiastical promotions with cure, intituled, An act touching leases of benefices and ecclesiastical livings with cure; which act was likewise made to continue to the end of the next parliament.

13 El. c. 21.

XII. And where also there was one other act and statute made in the said parliament begun and holden at Westminster the said second day of April in the said thirteenth year, intituled, An act that purveyors may take grain, corn or victuals within five miles of Cambridge and Oxford, in certain cases, which act was made likewise to continue to the last day of the next parliament.

A repeal of a proviso contained in the statute of 13 El. c. 25. f. 17.

XIII. And where in the statute made in the thirteenth year of the Queen's majesty's reign, intituled, An act for the reviving and continuance of certain statutes, is contained one proviso, that the said act concerning the avoiding of foreign wares made by handicraftsmen beyond the seas, or any clause, article or meaning therein contained, should not in any wise extend to be prejudicial to any intercourse or treaties of any intercourse then standing in force, had or made between the progenitors of the Queen's majesty, or her highness, and any others: (2) now for good considerations, and specially that strangers may not be at liberty, and the Queen's majesty's natural subjects restrained, be it enacted, That the said proviso, and every clause, article and matter therein contained, shall from henceforth be repealed and utterly void.

Certain words contained in the statute of 13 El. c. 20. discontinued.

XIV. Provided also, and be it enacted that these words [so soon as it or any part thereof shall come to any possession or use above forbidden, or] which words are contained in the said statute made in the said thirteenth year, touching leases of benefices, and other ecclesiastical livings with cure, shall not be revived by this act but remain discontinued, and shall from henceforth be omitted out of the said act;

act; any thing in the said act, or in this act to the contrary notwithstanding.

XV. *And where sundry evil-disposed persons have defrauded the true meaning of the said last mentioned statute made in the said thirteenth year, by bonds and covenants of suffering other persons to enjoy ecclesiastical livings, and the fruits thereof, for that such bonds and covenants are not in law taken to be leases, although indeed they amount to as much:* (2) be it therefore enacted; That all bonds, contracts, promises and covenants hereafter to be made for suffering or permitting any person to enjoy any benefice or ecclesiastical promotion with cure, or to take profits or fruits thereof, other than such bonds and covenants as shall be made for assurance of any lease heretofore made, shall be to all intents and purposes adjudged of such force and validity and not otherwise, as leases by the same persons made of such benefices and ecclesiastical promotions with cure.

Bonds and covenants for the enjoying of leases shall be void.
43 El. c. 9.
1 Bulltr. 112.
3 Bulltr. 202.
Moor 641, 883.

XVI. And be it further declared and enacted, That all leases, bonds, promises and covenants of and concerning benefices and ecclesiastical livings with cure, to be made by any curate, shall be of no other nor better force, validity or continuance, than if the same had been made by the beneficed person himself that demised, or shall demise the same to any such curate.

Leases made by curates, of benefices, with cure.

XVII. *And where in one other act made in the said thirteenth year, intituled, An act against fraudulent gifts, to the intent to defeat dilapidations of ecclesiastical livings, and for leases to be granted by collegiate churches, there is one branch to avoid certain leases to be made by masters and fellows of colleges, deans and chapters of cathedral or collegiate churches, masters or guardians of any hospital, or by any parson, vicar or any other, having any spiritual or ecclesiastical living;* (2) be it enacted, That the said branch, nor any thing therein contained, shall not extend to any grant, assurance or lease of any houses belonging to any the persons or bodies politick or corporate aforesaid, nor to any grounds to such houses appertaining, which houses be situate in any city, borough, town corporate or market-town, or the suburbs of any of them, (3) but that all such houses and grounds may be granted, demised and assured, as by the laws of this realm, and the several statutes of the said colleges, cathedral churches and hospitals, they lawfully might have been before the making of the said statute, or lawfully might be if the said statute were not; (4) so alway that such house be not the capital or dwelling-house used for the habitation of the persons aforesaid, nor have ground to the same belonging above the quantity of ten acres; any thing in the said act to the contrary notwithstanding.

13 El. c. 10.

Leases made by spiritual persons of houses in cities or corporate towns.
2 Leon. 188.
1 Roll. 161.
Dr. Betsworth and the dean and chapter of St. Paul's, in dom. proc.
2 May. 1728.
Money recovered for dilapidations shall be employed in repair of the same houses.

XVIII. And be it further enacted, That all sums of money hereafter to be recovered, for or in name of dilapidations, by sentence, composition or otherwise, shall within two years after such receipt be truly employed upon the buildings and reparations, in respect whereof such money for dilapidations shall be paid; (2) on pain that every person so receiving and not employing as aforesaid, shall forfeit double as much as so shall be by him received and not employed; the which forfeiture shall be to the use of the Queen's majesty, her heirs and successors.

Certain observations in the leases to be made by spiritual persons according to this statute.

No college shall alien any house without present and sufficient satisfaction.

The first mentioned 13 stat. continued until the end of the next parliament.

XIX. Provided alway, and be it enacted, That no lease shall be permitted to be made by force of this act, in reversion, (2) nor without reserving the accustomed yearly rent at the least, (3) nor without charging the lessee with the reparations, (4) nor for longer term than forty years at the most; (5) nor any houses shall be permitted to be aliened, unless that in recompence thereof there shall be afore, with or presently after such alienation, good, lawful and sufficient assurance made in fee-simple absolutely to such colleges, houses, bodies politick or corporate, and their successors, of lands of as good value, and of as great yearly value at the least, as so shall be aliened; any statute to the contrary notwithstanding.

XX. And forasmuch as all the same several acts and statutes and every of them do seem good, beneficial and needful to be further continued, for the weal and profit of this realm, (2) be it therefore now enacted, by the Queen's most excellent majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the same several acts and statutes and every of them, and all and every article, clause and sentences, in them and every of them, contained, shall continue, be and endure in full force and effect until the end of the next parliament. 39 *El. c. 18.*

CAP. XII.

An act for the repeal of a statute made in anno octavo of the Queen's majesty's reign touching the town of Shrewsbury.

So much of the statute of 8 *El. c. 7.* as restraineth any of the inhabitants of Shrewsbury to buy Welsh cloth, cottons or frizes, Rep.

WHERE at the parliament holden at Westminster the last day of September in the eighth year of the reign of our sovereign lady the Queen's most excellent majesty, there was an act made, intituled, An act touching drapers, cottoners and frizers in the town of Shrewsbury in the county of Salop: and in the same act there is contained matter then supposed for the benefit of the said town of Shrewsbury, in advancing the corporation of drapers, cottoners and frizers of the said town: (2) and it was thereby enacted, That from and after the feast of Easter then next ensuing, no manner person or persons whatsoever, inhabiting and dwelling within the said town of Shrewsbury, or the liberties or franchises of the same town (other than such as then had, or then after should serve as apprentice in the occupation or science of drapers, or then had been, or thereafter should be, free of the said science or mystery) should occupy, use, exercise or frequent the said trade, art, mystery or science of buying of the said Welsh cloth or lining, cottons, frizes or plains, nor have any factor or doer for him or them in the same, nor by any colour, engine or fraud, buy any of the said frizes, linings, cottons and plains; (3) upon pain that every person and persons inhabiting as is aforesaid, and occupying, using or exercising the said trade, art, mystery, occupation or science of buying of Welsh clothes and linings, &c. and not authorized by the act, should lose, and forfeit for every piece of the said clothes bought, six shillings eight pence:

II. And

II. *And where sithence the making of the said act, experience hath plainly taught in the said town, that the said act hath not only not brought the good effect that then was hoped and surmised, but also hath been and now is likely to be the very greatest cause of the impoverishing and undoing of the poor artificers and others, at whose suit the said act was procured, for that there be now sithence the making of the said statute, much fewer persons to set them a-work than before; (2) and by restraining all other inhabitants of the said town of Shrewsbury from the former lawful trade ever heretofore used of buying of Welsh clothes, frizes, cottons, linings and plains (leaving the same nevertheless free for all the subjects of England, without any restraint, saving for the said inhabitants of the town of Shrewsbury and the liberties and franchises of the same town only) hath been the evident occasion of great decay, not only to the said town and the liberties and franchises of the same, but also to a great and infinite number of poor people in North-Wales, that is to say, in the counties of Mountgomery, Denbigh, Merioneth, and also the town of Oswest, and the greatest part of the country thereabouts, where the said Welsh clothes, frizes, cottons, linings and plains are made and sold, which were wont to be maintained and relieved by trade of making or working of the said frizes, cottons, &c. contrary to the expectation that then was wrongfully conceived:*

The inconveniencies ensuing upon the making of the aforesaid act, to the poor inhabitants of Shrewsbury and others:

III. Be it therefore at the humble suit of the inhabitants of the said town, and also of the said artificers, for whose benefit the said act was supposed to be provided, enacted, That the said act, and all the matter in the said act contained, shall from henceforth be repealed and made void; any thing in the said act to the contrary notwithstanding.

A repeal of part of the stat of 8 El. c. 7. and a confirmation of the residue.

IV. Provided always, That so much of the said statute of the eighth year of our sovereign lady the Queen's majesty that now is, and every article and branch therein contained as toucheth the present and ready payment of money to sheermen, cottoners and frizers, for their work, and also as toucheth the restraint of such as shall or do occupy or use the trade of buying of frizes, cottons or plains, from the use or exercise of the faculty of frizing or cottoning, shall stand and be in force; any thing in this statute to the contrary notwithstanding.

C A P. XIII.

Hexham and Hexambire, with the liberties there, shall be within the county of Northumberland.

C A P. XIV.

An act for the assurance of gifts, grants, &c. made and to be made to and for the relief of the poor in the hospitals, &c.

WHERE our late sovereign lord of famous memory King Edward the Sixth, by his letters patents dated the twenty-sixth day of June in the seventh year of his most gracious reign, did found, erect and establish three hospitals in and near to the city of London, called the hospitals of King Edward the Sixth, of Christ,

Bridewell, and St. Thomas the apostle; and by his said letters patents gave and granted power and liberty for purchasing of lands, tenements and hereditaments for the relief and sustentation of the poor in the said hospitals, as by the said letters patents more plainly appeareth. And whereas also our late sovereign lord King Henry the Eighth, by his letters patents dated the thirteenth of January in the thirty-eighth year of his reign, did found an hospital in West-Smithfield called Little St. Bartholomew's near London. And whereas divers well-disposed and charitable persons have given lands, tenements and hereditaments, to the relief and sustentation of the poor, not only in the said hospitals, but also in other hospitals. And as it is hoped many more hereafter will likewise charitably give, and where many of such gifts and assurances have been and are likely to be made by the last wills of the givers thereof, at which time for want of counsel or other opportunities, it may happen that the right name of the said corporation hath not or shall not be truly named or expressed, whereby may grow some question of the validity of such grants, gifts or devises: Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all gifts, grants, legacies, devises and assurances made or to be made of any lands, tenements and hereditaments, by will, feoffments or otherwise, to the use or for the relief of the poor in any hospital now remaining and being in *Esse*, and employed to the relief or maintenance of the poor in the said hospitals, or any of them, shall be as good and available in law, according to the true meaning of any such donor, grantor, testator, devisor or assurer, as if the said corporation had been or were in the writings or deeds of such gifts, grants, devise or assurance, or in such last will or testament, rightly or truly named; any such misnaming, misreciting, or not true naming or reciting of the said corporation to the contrary notwithstanding: saving to all and every person and persons, bodies politick and corporate, their heirs and successors, other than such donor, grantor, testator, devisor and assurer, their heirs and successors, all such right, title and interest, as they or any of them have or shall have in or to any lands, tenements or hereditaments so given, granted, devised or assured, as if this act had never been had nor made. And where in the last parliament holden at *Westminster* it was provided and enacted among other things, That from henceforth all leases, gifts, grants, feoffments, conveyances or estates, to be had, made or suffered by any master and fellows of any college, dean and chapter of any cathedral church, master or guardian of any hospital, parson, vicar, or any other having any spiritual living of any house, lands, tenements or hereditaments, parcel of the possession of any such college, cathedral church, hospital, parsonage, vicarage or other spiritual promotion, or pertaining to the same, or any of them, to any person or persons, bodies politick or corporate, other than for term of one and twenty years, or three lives, in manner and form as is mentioned in the said act, should be utterly void

void and of none effect. Be it enacted and declared by the authority of this present parliament, That these words (master or guardian) of any hospital mentioned in the said former act, were intended and meant of all hospitals, *Maison Dieu*, bead-houses, and other houses ordained for the sustentation or relief of the poor, and so shall be expounded, declared and taken for ever.

Anno decimo octavo Regiæ ELIZABETHÆ.

AT this present session of parliament by prorogation holden at Westminster the eighth day of February in the eighteenth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France, and Ireland, Queen, defender of the faith, &c. And there continued until the fifteenth day of March following: to the high pleasure of Almighty God, and weal publick of this realm, were enacted as followeth.

CAP. I.

An act against the diminishing and impairing of the Queen's majesty's coin, and other coins current within this realm.

WHEREAS the offences of clipping, rounding, washing and filing, for wicked lucre or gainsake, of any the proper monies or coins of this realm or the dominions thereof, or of the monies or coins of any other realm allowed by proclamation, and suffered to be current within this realm or the dominions thereof, by a statute made in the fifth year of the Queen's majesty's reign, are taken, deemed and adjudged to be treason; (2) and the offenders therein, their counsellors, consenters and aiders likewise deemed and adjudged as offenders in treason, and being thereof lawfully convicted or attainted, according to the due order and course of the laws of this realm, are to suffer pains of death, and to lose and forfeit all his and their goods and chattels, and also all his and their lands and tenements, during his and their natural life or lives only, as by the said estatute thereof made, among other things therein contained, more at large it doth and may appear: (3) sithence the making of which good law and statute divers false and evil-disposed persons, knowing that the said law being, as it is, penal, ought to be taken and expounded strictly according to the words thereof, and the like offences, not by any equity to receive the like punishment or pains, have sithence the making of the said law and statute most wickedly devised and practised, for wicked lucre and gainsake, other arts, undue ways and means, to falsify, impair, diminish and lighten, as well the proper monies and coins of this realm and the dominions thereof, as also the monies or coins of other realms allowed and suffered to be current within this realm and the dominions thereof by her Majesty's proclamation, to the great damage, loss, hurt and deceit, as well of her Majesty, as of all her faithfull

Diminishing, scaling or lightning of any coin current within this realm shall be high treason.

5 El. c. 11.
3 Inf. 17.

Other undue mean practised to falsify the money not within the strict word of the foresaid statute.

and loving subjects, and more is like hereafter to be practised and done, if the same be not speedily met withal: (4) for reformation and remedy whereof, be it enacted, declared and established by the authority of this present parliament, That if any person or persons, of what estate, degree or condition soever he or they be, shall from and after the first day of *April* next coming, for wicked lucre or gains-sake, by any art, ways or means whatsoever, impair, diminish, falsify, scale or lighten the proper monies or coins of this realm or any the dominions thereof, or the monies or coins of any other realms allowed and suffered to be current at the time of the offence committed within this realm of *England* or any the dominions of the same, by the proclamation of the Queen's majesty, her heirs or successors, shall be taken, adjudged and deemed to be treason; (5) and the offenders therein, their counsellors, consenters and aiders, shall be likewise deemed and adjudged as offenders in treason, and being thereof lawfully convicted or attainted, according to the due order of the laws of this realm, shall suffer pains of death; (6) and lose and forfeit all their goods and chattels to the Queen's majesty, her heirs and successors, and shall also lose and forfeit to the Queen's highness, her heirs and successors, all their lands, tenements and hereditaments, during his or their natural life or lives only.

No corruption of blood or forfeiture of dower for this treason.

II. Provided always, and be it enacted by the authority aforesaid, That this act, nor any thing therein contained, nor any attainder or attainders of any person or persons for any offence or offences made treason by this act, shall in any wise extend, or be judged, interpreted or expounded to make any corruption of blood to any the heir or heirs of any such offender or offenders, or to make the wife of any such offender to lose or forfeit her dower of or in any lands, tenements or hereditaments, or her title, action or interest to the same; any thing in this act contained, or any attainder or attainders hereafter to be had, for any offence or offences made treason by this act, to the contrary notwithstanding.

Trial of a peer by his peers.

III. And be it further enacted by the authority aforesaid, That if any of the lords of the parliament, or peer of this realm, for the time being, shall fortune at any time hereafter to be indicted of any offence made treason by this act, that then they and every of them shall have his or their trial by their peers, as hath been used heretofore in cases of high treason. 25 *Ed. 3. stat. 4* & 5 *c. 2.* 1 *Ma. sess. 2. c. 6.*

CAP. II.

An act for confirmation of letters patents. A confirmation of the assurance made of any lands to the Queen by any other person since the beginning of her reign. The right of others saved. A confirmation of the letters patents of the Queen made since the beginning of her reign, or to be made seven years after. Defects in letters patents saved. Patents of offices. A satisfaction to the Queen for the overplus of the value of the lands by her granted. Patents or grants whereunto this statute shall not extend. 34 & 35 *H. 8. c. 21.* 1 *Ed. 6. c. 8.* 7 *Ed. 6. c. 3.* 4 & 5 *P. & M. c. 1.* 35 *El. c. 3.* 43. *El. c. 1.*

CAP.

CAP. III.

Justices of peace shall order the punishment of the mother and reputed father of a bastard, &c.

II. Concerning bastards begotten and born out of lawful matrimony, (an offence against God's law and man's law) the said bastards being now left to be kept at the charges of the parish where they be born, to the great burden of the same parish, and in defrauding of the relief of the impotent and aged true poor of the same parish, and to the evil example and encouragement of lewd life: (2) it is ordained and enacted by the authority aforesaid, That two justices of the peace (whereof one to be of the *quorum*, in or next unto the limits where the parish church is, within which parish such bastard shall be born, upon examination of the cause and circumstance) shall and may by their discretion take order, as well for the punishment of the mother and reputed father of such bastard child, as also for the better relief of every such parish in part or in all; (3) and shall and may likewise by like discretion take order for the keeping of every such bastard child, by charging such mother or reputed father, with the payment of money weekly or other sustentation for the relief of such child, in such wise as they shall think meet and convenient: (4) and if after the same order by them subscribed under their hands, any the said persons, *viz.* mother or reputed father, upon notice thereof, shall not for their part observe and perform the said order; that then every such party so making default in not performing of the said order, to be committed to ward to the common gaol, (5) there to remain without bail or mainprise, except he, she or they shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace to be holden in that county where such order shall be taken, (6) and also to abide such order as the said justices of the peace or the more part of them then and there shall take in that behalf (if they then and there shall take any;) (7) and that if at the said sessions the said justices shall take no other order, then to abide and perform the order before made as is abovesaid. 3 Car. 1. c. 4. continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

Gro. Car. 341, 350, 470.

Mod. cases in Law 4.

2 Bulst. 341, 348, 350, 355. A provision for the keeping of bastards. Farther provisions relating hereto. 7 Jac. 1. c. 4.

A rogue shall be conveyed from constable to constable until he come to the gaol. A stock to set the poor on work shall be provided in every city and town corporate. Houses of correction shall be assigned in every county. Lands holden in socage may, during twenty years, be given towards the maintenance of houses of correction and stocks for the poor. EXP.

2 Roll. 82, Stiles 207, 283,

CAP. IV.

Every person which hath or claimeth to have any estate of inheritance, lease or rent, not already entred of record in the exchequer, of, in or to any lands or hereditaments, &c. by any assurance made by Charles earl of Westmorland, or any other rebels in the north attainted, named in the statute of 13 Eliz. c. 16. or in any of the records of their several attainders, at any time within two years next before the seventh day of

November, anno 11. of the Queen's reign, shall within one year next ensuing the first day of *May* next, openly shew forth in the exchequer in the term time, the same his conveyance, and exhibit the same to be inrolled of record: or else every such conveyance made by any of the said rebels shall be void: and after the said party which exhibiteth the same conveyance, may within one year produce witnesses to be examined in the exchequer, to prove the same to be made *bona fide*: and yet if at the suit of the Queen or any of her patentees, it shall be found by verdict, that any such conveyance was made by covin to defraud the Queen of her forfeiture, it shall be void: but this act shall not extend to any bargain and sale made of lands by deed indented and inrolled, nor to leases for three lives, or one and twenty years, nor to estates granted by copy according to the custom of the manor, so used to be letten by the space of twenty years, whereupon the old and accustomed yearly rent or more shall be reserved. 7 Co. 11. 13 Eliz. c. 16.

CAP. V.

An act to redress disorders in common informers.

The duty of an informer in prosecuting a suit upon a penal statute, and his punishment if he abuse it.
Cro. El. 77,
434.
3 Inst. 192.
A note of the day, month and year of the exhibiting of an information.

Indorsement of the process awarded upon an information.

Where the trial of an issue shall be in a suit upon a penal stat.
Stiles 381.

FOR redressing of divers disorders in common informers, and for better execution of penal laws, (2) be it enacted, That every informer upon any penal statute shall exhibit his suit in proper person, and pursue the same only by himself or by his attorney in court; (3) and that none shall be admitted or received to pursue against any person or persons upon any penal statute, but by way of information or original action and not otherwise; (4) nor shall have ne use any deputy or deputies at all; (5) and that upon every such information which shall be exhibited, a special note be made of the very day, month and year of the exhibiting thereof into any office or to any officer which lawfully may receive the same, without any manner of antedate thereof to be made, and that the same information be accounted and taken to be of record from that time forward and not before. (6) And be it likewise enacted for the consideration aforesaid, That no process be sued out upon any such information, until the information be exhibited in form aforesaid; (7) and that upon every such process shall be indorsed, as well the party's name that pursueth the same process, as also the statute upon which the information in that behalf made is grounded: (8) and that every clerk making out process contrary to the tenor and provision of this act, shall forfeit and lose forty shillings for every such offence, the one half to be to the Queen's majesty, her heirs and successors, and the other half to the party against whom any such defective process shall be awarded, to be recovered in any court of record, by action of debt or information, in which no essoin, protection, injunction or wager of law shall be permitted or allowed.

II. And be it further enacted, That no jury shall be compelled to appear in any of the Queen's majesty's courts of *Westminster*, for the trial of any issue in any such suit upon any penal law, for any such offence committed above thirty miles from the city of *Westminster*, except in case where the attorney general for the time being, for some reasonable cause in that behalf to be shewed, shall require the same to be tried at the bar,

bar, in any of the courts of the Queen's majesty, her heirs or successors, at *Westminster* aforesaid; (2) which request shall be noted on the backside of the writ of *Distringas* thereupon awarded, to the end the sheriff or his bailiff may and shall signify the same to the jury that are in such case impanelled.

III. And be it further enacted, That no such informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to offend, against any penal statute, for such offence committed, or pretended to be committed, but, after answer made in court unto the information or suit in that behalf exhibited or prosecuted; (2) nor after answer, but by the order or consent of the court in which the same information or suit shall be depending; upon the pains and penalties hereafter in this present act set down and declared: (3) and that if any such informer or plaintiff as aforesaid, shall willingly delay his suit, or shall discontinue or be nonsuit in the same, or shall have the trial or matter past against him therein by verdict or judgment of law; That then in every such case the same informer or plaintiff shall yield, satisfy and pay unto the party defendant, his costs, charges and damages, to be assigned by the court in which the same suit shall be attempted: (4) for the recovery and execution whereof every such defendant shall immediately upon the same costs, charges and damages assigned, have his *Capias ad satisfac. Fieri facias*, or *Elegit*, to be awarded unto him out of the same court in which the same shall be so assigned as is aforesaid, as in other cases of execution.

No informer shall compound with the defendant but by consent of the court.
2 Bulstr. 137.
Hob. 250.
2 Roll. 103,
116.
The penalty of an informer delaying or discontinuing his suit, or being nonsuit, &c.
2 Leon. 116.
Savil. 50.

IV. And be it also enacted, That if any person or persons (except the clerks of the court only, for making out of process otherwise than is above appointed) shall offend in suing out of process, making of composition, or other misdemeanour, contrary to the true intent and meaning of this statute, or shall by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against any penal law, make any composition, or take any money, reward or promise of reward for himself, or to the use of any other without order or consent of some of her Majesty's courts at *Westminster*; that then he or they so offending, being thereof lawfully convicted, shall stand on the pillory in some market-town next adjoining where the same offence shall be committed, in the open market-time, and there remain by the space of two hours; (2) and shall from and after such conviction for ever be disabled to pursue, or be plaintiff or informer in, any suit or information upon any statute popular or penal; (3) and shall also for every such offence forfeit and lose ten pounds of lawful *English* money, the one half thereof to the Queen's majesty, her heirs and successors, and the other half to the party grieved thereby, to be recovered in any court of record, by action of debt or information; in which no essoin, protection, injunction or wager of law shall be permitted or allowed:

The punishment of an informer misbehaving himself in the prosecution of his suit, &c.

What justices
may hear and
determine
these offences.

allowed: (4) and that justices of *oyer and terminer*, justices of assize in their circuits, and justices of peace in their quarter-sessions, shall have full power and authority to hear and determine all offences to be committed or done contrary to the true intent and meaning of this present act.

Pursuing up-
on the stat.
against main-
tenance,
champerty,
&c.

V. Provided always, and nevertheless be it enacted, That it shall and may be lawful to and for any person or persons grieved by means of any manner of maintenance, champerty, buying of titles or imbracery, to pursue upon any the statutes provided and set forth against maintenance, champerty, buying of titles or imbracery, as he or they might have done before the making of this act; any thing in this act contained to the contrary in any wise notwithstanding.

Penalties giv-
en to per-
sons certain,
and not gene-
rally.

VI. Provided also, That this act shall not extend to any suit already depending, (2) nor shall restrain any certain person, body politick or corporate, to whom or to whose use any forfeiture, penalty or suit is or shall be specially limited or granted by virtue of any statute, and not generally to any person that will sue, but that every such certain person, body politick or corporate, which might sue or inform, as if this act were not made, may in such case sue, inform and pursue, as he or they might have done if this act were never had nor made.

Officers using
to exhibit in-
formations.

VII. And provided also, That neither this act, nor any thing therein contained, shall in any wise extend to any such officers of record, as have in respect of their offices heretofore lawfully used to exhibit informations or sue upon penal laws, (2) nor to any officers informing or pursuing for matters only concerning his or their offices, (3) but that they and every of them may inform and pursue in that behalf, as they might have done before the making of this act; any thing in this act contained to the contrary in any wise notwithstanding.

VIII. This act to take force and effect from the feast of *Easter* next coming, and from thenceforth to endure unto the end of the first session of the next parliament. *Made perpetual by 27 El. c. 10. 31 El. c. 5.*

CAP. VI.

An act for maintenance of the colleges in the universities, and of Winchester and Eaton.

Upon leases
made by col-
leges, a third
part of the
rent shall be
reserved in
corn.
1 Leon. 307.
Savil 129.

FOR the better maintenance of learning, and the better relief of scholars in the universities of *Cambridge* and *Oxford*, and the colleges of *Winchester* and *Eaton*, (2) be it enacted by the Queen's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no master, provost, president, warden, dean, governor, rector or chief ruler of any college, cathedral church, hall or house of learning in any of the universities aforesaid, nor any provost, warden or other head

head officer of the said colleges of *Winchester* or *Eaton*, nor the corporation of any of the same, by what title, stile or name forever they now be, shall or may be called, after the end of this present session of parliament, shall make any lease for life, lives or years, of any farm, or any their lands, tenements or other hereditaments to the which any tithes, arable land, meadow or pasture doth or shall appertain, except that the one third part at the least of the old rent be reserved and paid in corn for the said colleges, cathedral church, halls and houses; that is to say, in good wheat, after six shillings and eight pence the quarter or under, and good malt at five shillings the quarter or under, to be delivered yearly upon days prefixed, at the said colleges, cathedral church, halls or houses; (3) and for default thereof, to pay to the said colleges, cathedral church, halls or houses, in ready money, at the election of the said lessees, their executors, administrators and assigns, after the rate of the best wheat and malt in the market of *Cambridge* for the rents that are to be paid to the use of the house or houses there; and in the market of *Oxford*, for the rents that are to be paid to the use of the house or houses there; and in the market of *Winchester*, for the rents that are to be paid to the use of the house or houses there; and in the market of *Windsor*, for the rents that are to be paid to the use of the house or houses at *Eaton*; is or shall be sold the next market day before the said rent shall be due, without fraud or deceit: (4) and that all leases otherwise hereafter to be made, and all collateral bonds or assurance to the contrary, by any of the said corporations, shall be void in law to all intents and purposes: (5) the same wheat, malt, or the money coming of the same, to be expended to the use of the relief of the commons and diet of the said colleges, cathedral church, halls and houses only, (6) and by no fraud or colour let or sold away from the profit of the said colleges, cathedral church, halls and houses, and the fellows and scholars in the same, and the use aforesaid, upon pain of deprivation of the governor and chief rulers of the said colleges, cathedral church, halls and houses, and all other thereunto consenting.

II. Provided always, That this act, or any thing therein contained, shall not extend or be in any wise prejudicial to any lease to be made of a barn called *Mouncken-Barn*, with a certain portion of tithes, rising, growing and being in the parish of *Southweck* in the county of *Suffex*, being parcel of the possessions of *Maudlin College* in *Oxford*, so that the term demised in and by the said lease exceed not the number of ten years from and after the feast of St. *Michael* the archangel next coming; any thing therein specified to the contrary notwithstanding.

III. Provided also, That this act shall not extend to any *Fiseld demif.* lease to be made by the president and scholars of the college of *ed to White.* St. *John Baptist* in *Oxford*, to any heir male of Sir *Thomas White*, late knight and alderman of *London*, founder of the said college; which

which lease shall be made according to the meaning of the foundation and statutes of the said college, of the manor of *Fisfield*, and no other hereditaments.

C A P. VII.

An act to take away clergy from the offenders in rape or burglary, and an order for the delivery of clerks convicted without purgation.

§ Inft. 65, 214.
Hob. 291.

None shall have clergy that committeth rape or burglary.
11 Co. 33.

FOR the repressing of the most wicked and felonious rapes or ravishments of women, maids, wives and damosels, and of felonious burglaries, and for the avoiding of sundry perjuries and other abuses, in and about the purgation of clerks convicted delivered to the ordinaries, (2) be it enacted and ordained by the authority of this present parliament, That if any person or persons shall fortune at any time after the first day of *June* now next ensuing, to commit or do any manner of felonious rape, ravishment, or burglary, and to be found guilty by verdict, of any such felonious rape or burglary, (3) or that any person or persons shall fortune to be outlawed for any the offences aforesaid, (4) or upon his or their arraignment shall confess any such felonious rape or burglary; (5) that in every such case, every person and persons so being found guilty, outlawed or confessing any of the said felonious rapes or burglaries, shall suffer pains of death, and forfeit as in cases of felony hath been used and accustomed by the common laws of this realm, without any allowance of the privilege or benefit of clergy; any law, custom or usage heretofore had, made or used to the contrary notwithstanding.

No man allowed his clergy shall be committed to the ordinary, but presently delivered.
4 H. 7. c. 13.
3 Ed. 1. c. 2.
5 Co. 170.
Cro. Jac. 430.

II. And moreover, be it further enacted by the authority aforesaid, That every person and persons, which at any time after the end of this present session of parliament shall be admitted and allowed to have the benefit or privilege of his or their clergy, shall not thereupon be delivered to the ordinary as hath been accustomed, but after such clergy allowed, and burning in the hand, according to the statute in that behalf provided, shall forthwith be enlarged and delivered out of prison by the justices before whom such clergy shall be granted, that cause notwithstanding.

The justices may retain offenders in prison for a time.
2 Bulstr. 137.

III. Provided nevertheless, and be it also enacted by the authority aforesaid, That the justices before whom any such allowance of clergy shall be had, shall and may for the further correction of such persons to whom such clergy shall be allowed, detain and keep them in prison for such convenient time as the same justices in their discretions shall think convenient, so as the same do not exceed one year's imprisonment; any law or usage heretofore had or used to the contrary in any wise notwithstanding.

To know a woman carnally under the age of ten years shall be felony.

IV. And for plain declaration of law, be it enacted, That if any person shall unlawfully and carnally know and abuse any woman-child under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof being

being duly convicted shall suffer as a felon without allowance of clergy.

V. Provided always, That all and every person and persons, which shall hereafter be admitted to have the benefit of his or their clergy, shall notwithstanding his or their admission to the same, be put to answer to all other felonies whereof he or they shall be hereafter indicted or appealed, and not being thereof before acquitted, convicted, attainted or pardoned, (2) and shall in such manner and form be arraigned, tried, adjudged, and suffer such execution for the same, as he or they should have done, if, as clerk or clerks convicted, they had been delivered to the ordinary, and there had made his or their purgations, any thing in this act contained to the contrary notwithstanding.

He that is allowed his clergy shall answer to other felonies. 25 Ed. 3. stat. 3. c. 5. 8 El. c. 4. Dyer 214. pl. 48.

C A P. VIII.

An act for the appointing of justices in the shires of Wales.

WHEREAS by divers laudable statutes, usages and laws of this realm, for the good government and administration of justice within the principality and dominion of Wales, and the county palatine of Chester, it hath been established, used and enacted, among other things, That there shall be holden and kept sessions twice in every year in every of the shires in the said dominion and principality of Wales; that is to say, in the shires of Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, the town and county of Haverford-west, Cardigan, Mountgomery, Denbigh, Flint, Caernarvon, Merioneth and Anglesey, and in the said county palatine of Chester; the which sessions are called the King's great sessions: (2) and that the justice of Chester, for the time being, shall hold and keep sessions twice in every year in the shires of Chester, Denbigh, Flint and Mountgomery: (3) and likewise that the justice of North-Wales shall hold and keep sessions twice every year in every of the said shires of Caernarvon, Merioneth and Anglesey: (4) and that also one person learned in the laws of this realm of England, by the Queen's majesty to be appointed, shall be justice of the shires of Radnor, Brecknock and Glamorgan, and shall in like wise hold and keep sessions twice in every year in every of the same shires: (5) and that one other person learned in the laws of this realm, to be appointed as is aforesaid, shall be justice of the shires of Caermarthen, Pembroke and Cardigan, and the town and county of Haverford-west, and shall likewise hold and keep sessions twice in every year in every of the said shires: (6) and that the said persons or justices, and every of them then being, or that thereafter should be, should have several letters patent and commissions for their offices under the great seal of England, to be exercised by themselves or their sufficient deputies, according to the purports and intents in the ordinances specified:

The Queen may appoint justices of assizes in Wales, and of what things they may hold plea. 27 H. 8. c. 26. 34 & 35 H. 8. c. 26.

II. Forasmuch as by the good administration of justice within the said shires and counties, the same principality and dominion of Wales, and the said county palatine of Chester, are reduced to great obedience of her Majesty's laws, and the same greatly inhabited, manured and peopled, (2) and for that all and all manner of causes, pleas, actions,

The benefits ensuing by the administration of justice in Wales, Cheshire, &c.

To have one judge over-charged with the hearing of many causes, is a great delay of justice.

as well real, personal and mixt, as treasons, pleas of the crown, attainments, conspiracies, assises, quare impedit, appeals of murder, maims and felony, and trial upon all murders, manslaughters and felonies whatsoever arising within the said several circuits, are by the said laws, usages and statutes impleadable, impleaded and determinable before one only justice, as is aforesaid: (3) and for that many great and weighty causes, matters, questions, demurrers and ambiguities in law do thereupon daily arise, increase, and are like daily more and more to increase, within the said shires, to the infinite trouble of such one justice within every of the said several circuits, and to the great delay and hindrance of administration of justice:

III. For the better and more speedy remedy whereof, her Majesty's subjects of the said principality and dominion of Wales, and county palatine of Chester, have made their most humble petition and suit to her Highness to have two justices learned in the laws in every of the said several circuits: (2) and forasmuch as some question, ambiguity and doubt hath been heretofore made, whether her Highness by her letters patents under the great seal of England might or may authorise, constitute or appoint two persons or more to be her Highness's justices in every of the said several circuits, or grant commission or commissions of association or associations to or with every or any such several justice and justices, or no: and also whether after such grant, the administration of justice in those offices and function done by two, may be sufficiently rewarded by law, or no: (3) for plain explanation whereof, and for the better redress and more speedy administration of justice to be had touching the premisses, Be it declared, explained, enacted and established by the Queen's most excellent majesty, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the Queen's highness, her heirs and successors, may and shall at her and their will and pleasure have full power, prerogative and authority, from time to time, to constitute, authorise, name or appoint two or more learned, as aforesaid, in the laws of this realm, to be justices of and for the said counties of Chester, Flint, Denbigh, and Montgomery, (4) and two or more learned, as aforesaid, to be justices of North-Wales, viz. of and for the said shires of Anglesey, Caernarvon and Merioneth, (5) and likewise two or more learned, as aforesaid, to be justices of and for the said circuits and shires of Radnor, Glamorgan and Brecknock, (6) and also two or more learned, as aforesaid, to be justices of and for the said circuit and shires of Cardigan, Caermarthen and Pembroke, and the town and county of Haverford-west; any law, usage, opinion or statute to the contrary notwithstanding.

The Queen may grant commissions of associations to any persons learned, to be associate with justices.

IV. And that her Majesty, her heirs and successors, may and shall at her and their good will and pleasure, from time to time, associate and grant commission and commissions of association or associations under the great seal of England to any person or persons learned, as aforesaid, to be associate to or with every or any such several justice or justices for the time being, of the said several circuits and counties aforesaid, or in any of the said coun-

coun-

counties: (2) and that all and every such two justices or more, within every of the said several circuits and counties, and also that every such justice or justices, together with such person or persons associate (if any such association or associations shall happen to be, as aforesaid) during such association, and after such association ended, or without such association, such justice or justices shall have the like full power, preheminance, authority and jurisdiction from henceforth, to all intents, constructions, purposes and effects, as any one justice within any of the said circuits or shires aforesaid, now hath, or at any time heretofore had or ought to have; (3) and also shall have like power, authority, preheminance and jurisdiction to keep and hold the several sessions aforesaid twice in every year, in every of the said shires within their several circuits aforesaid, (4) and to hear, determine, order, award, adjudge, receive, take knowledge of, and execute all and singular causes, matters, pleas of assizes, treasons, murders, felonies, indictments, appeals of murder, felony and maims, actions reals, personals and mixt, suits, plaints, informations, quarrels, attaints, conspiracies, *quare impedit*, and all actions grounded upon any statute or statutes, writs, proceses, returns, essoins, verdicts, judgments, fines, acknowledges, confessions, warrants and executions, actions and acts whatsoever, and to do, perform, observe, accomplish and make all and every other act and acts, matter and matters, thing and things whatsoever, in like and in as ample, beneficial, lawful and effectual manner and form, to all constructions, qualities, intents and purposes, as any of the now several justices, or any one of the now justice or justices within the same several circuit or circuits, and counties aforesaid, may, ought, hath or might lawfully do by force of any law, usage or statute heretofore had, made or used before the making of this act; (5) and that from henceforth all and singular writs, proceses, returns, essoins, verdicts, judgments, fines, recoveries, recognizances, acknowledges, confessions, act and acts, thing and things, matter and matters as aforesaid, had, made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any such two justices or more, or any such justice or justices and associate or associates, as aforesaid, to be appointed, nominated, authorized and constituted as aforesaid, shall be allowed, taken, construed, expounded and adjudged as good, effectual and available, to all intents, constructions and purposes, as if the same had been had, made, taken, done, returned, heard, determined, awarded, adjudged or executed by or before any such one justice, or one of the justices now or late being justice or justices of the same circuit, or several circuits aforesaid; any law, usage, statute, act, ordinance or prescription to the contrary in any wise notwithstanding.

Of what things the two justices, or they with the associates, may hold sessions.

C A P. IX.

An act against the transporting of leather, tallow and raw hides.

1 El. c. 8.
14 El. c. 4.

WHERE in the parliament holden at Westminster in the first year of the reign of the Queen's most excellent majesty, one act was made, That the carrying of leather, tallow and raw hides out of the realm for merchandizes, should be felony; which act was made to endure but for a certain time, and afterwards was discontinued, and sithence, viz. in the first session of this present parliament renewed, to have continuance for certain years yet to come: (2) and where also in the parliament holden in the fifth year of her Majesty's reign, one other act was made, upon great advice, conference and deliberation, concerning tanners, curriers, shoemakers and other artificers occupying the cutting of leather; (3) and thereby all former acts were repealed concerning the same, by which means it was hoped that the goodness of leather, and the excess prices thereof, as also of tallow, should have been remedied, which notwithstanding daily hath increased, and yet doth; the cause whereof is, that being shipped for foreign parts, or transported out of the realm, no forfeiture is given to him or them that will seize or sue for the same: (4) for remedy whereof, be it enacted by the Queen our sovereign lady, and by the authority of this present parliament, That the said act made in the said first year, and continued in the first session of this present parliament, shall be repealed; (5) and that so much of the said act made in the said fifth year, and the provisoes therein contained, as do or doth concern the transporting of leather or hides, shall be continued and duly put in execution.

5 El. c. 8.
A repeal of the statute of
1 El. c. 8. and
14 El. c. 4.
prohibiting
the transport-
ing of leather,
&c.

A reviver of
the statute of
1 El. c. 8.
touching the
transporting
of leather.
Repealed by
1 Jac. 1. c. 22.

The penalty
for shipping
or loading of
any leather,
tallow or raw
hides, to the
intent to be
transported.
*Farther provi-
sions relating
hereto.*

13 & 14 Car. 2.
c. 7. f. 5.
The forfeit-
ure of the
owner of a
ship, master
and mariners
offending.

By what
means the ma-

II. And be it further enacted, That it shall not be lawful for any person or persons to lade, ship or carry in any vessel or ship, or otherwise, any leather, tallow or raw hides, of intent to transport or carry the same into any place or places of the parts beyond the seas, or into the realm of *Scotland*, by land or by sea, other than *Scottish* hides, according to the said proviso in the said act made in the said fifth year; (2) upon the pains and forfeitures hereafter ensuing; that is to say, upon the pain of the forfeiture of the said leather, tallow or raw hides so laden or transported, and treble the value thereof, to be forfeited by the owner or owners: (3) and also the owners of the said ships or vessels, knowing of such offence, to forfeit the said ships or vessels, with all their apparel and furniture to them and every of them belonging; (4) and the masters and mariners knowing of such offence, to forfeit all their goods and chattels, and to have imprisonment by the space of one year without bail or mainprize; (5) the one moiety of all which forfeitures to be to the Queen's majesty, her heirs and successors, the other moiety to him or them that will sue for the same, by action of debt or information in any court of record; in which suit no protection nor wager of law shall be admitted.

III. Provided always, That if any owner of any such ship or vessel, or any master or mariner knowing any such transporta-
tion

tion of leather, tallow or raw hides, shall within three months next after his knowledge thereof, or after his return into this realm, give good information *bona fide*, before any of the barons of the Queen's majesty's court of the exchequer, or before the lord president or council in the north, or in the marches of *Wales*, or before the head officer of any port where he shall first arrive, upon his or their oath, of the number and quantity of leather, tallow and raw hides so carried, conveyed and transported, and by whom, where, and in what ship or vessel, and afterwards shall be ready upon reasonable warning by process to justify and prove the same for the Queen's majesty, that then such owner or owners, master, mariner or mariners, shall not forfeit his or their ship, vessel or vessels, nor incur the forfeitures aforesaid; any thing herein contained to the contrary notwithstanding

ster or owner of a ship or mariner may escape the penalty aforesaid.

IV. And be it further enacted by the authority aforesaid, That every person or persons whatsoever, that shall ship or carry any leather, tallow or raw hides, otherwise than by force of the said proviso made in the said fifth year, into the parts of beyond the seas from henceforth, shall pay to the Queen's majesty, her heirs and successors, for every hide so to be carried, by the name of subsidy, the sum of ten shillings, (2) and for every dozen of calve-skins three shillings four pence, (3) and for every hundred pound weight of tallow six shillings eight pence.

The subsidy of hides, calves-skins and tallow transported.

V. And further, That all customers, comptrollers, farmers and supervisors of customs and subsidy, shall be accountant to the Queen's majesty, her heirs and successors, to pay the said custom and subsidy for all such goods entred and laden, upon the pains and penalties contained in the statute made for false concealments of customs and subsidy in the third year of the reign of King *Henry* the Sixth.

Customers, comptrollers, and farmers shall be accountant for the said customs.

3 H. 6. c. 3.

CAP. X.

An act of addition unto the former acts for amending and repairing of highways.

WHERE in the parliament holden at Westminster in the second and third years of the reigns of our late sovereign lord and lady King Philip and Queen Mary, an act was made and ordained for the amending and repairing of highways.

Who, and for what every person shall be charged to ward the amending and maintenance of highways

II. And whereas there is one other act made in the fifth year of our sovereign lady the Queen that now is, for the better amendment of highways, wherein some doubts and defects have been: (2) for explanation whereof and better provision hereafter to be made for amendment of highways, Be it explained, ordained and enacted by the Queen's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every person or persons (except such as shall dwell in the city of London) that shall be assessed to the payment of any subsidy to her Majesty to five pounds in goods, or forty shillings in lands or above, during all such time as he shall stand so assessed and not altered, and being none of

2 & 3 Ph. & M. c. 8.
5 El. c. 13.
The charge of each person towards the repairing of highways, having 5l. in goods, or 40s. in lands.

the parties chargeable for the amendment of highways by any former law, but as a cottager, shall find two able men yearly to labour in the highways at such days and times as by the said several statutes are limited and appointed.

The charge of
him that hath
one plough-
land in several
parishes.

III. And every other that hereafter shall occupy a plough-land in tillage or pasture lying and being in several parishes, shall be chargeable to the making of the ways within the parish where he dwelleth, as far forth and in such manner and form as any person having a plough-land in any one parish, is or ought to be chargeable by reason of the said former statutes or either of them.

The charge of
him that hath
several
plough-lands
in several pa-
rishes.

IV. And that every person or persons occupying and keeping in his or their hands or possession several or divers plough-lands as aforesaid, in several or divers towns, shall be charged to find in each town or parish (where the plough-lands being in his occupying do lie) one cart, wain, tumbrel, dungpot or court, sleds, cars or drags, furnished for the amendment and repairing of the highways within the several parishes where the said plough-lands do lie, in such manner and form as if he or they were a parishioner dwelling within the parishes where the same several plough-lands do lie.

The penalty
for not scour-
ing ditches,
hayes and
fences, or not
cutting down
of bushes.

V. And be it further enacted by the authority aforesaid, That all and every person and persons that shall not repair, ditch or scour any hayes, fences, ditches or hedges adjoining to any highway or common fairing-way, or shall not cut down or keep low all trees and bushes growing in or next adjoining to any the said ways, according to the true intent and meaning of the above-recited act made in the fifth year of the Queen's majesty's reign that now is, for every offence committed therein contrary to the true intent thereof, shall forfeit and lose for every default ten shillings.

VI. And that all and every person and persons that shall occupy any lands adjoining to the said ground so adjoining to any such highway or common fairing-way, where any ditching or scouring should or ought to be as aforesaid, shall from time to time as need shall require, ditch and scour in his and their ground so adjoining, whereby the water conveyed from the said highway or common fairing-way over the ground next adjoining may have passage over the said ground to next adjoining to that ground, upon pain of forfeiture for every time so offending, for every rood not so ditched and scoured twelve pence.

The penalty
for casting of
soil into the
highway.

VII. And for the better keeping of the highways passable for her Majesty's people, Be it enacted by the authority aforesaid, That no person or persons having any ground by lease or otherwise, adjoining to any highway or common fairing-way leading to any market-town, shall cast or scour any ditch and throw or lay the soil thereof into the highway, and suffer it to lie there by the space of six months, to the annoyance of the said highway or common fairing-way, upon pain of forfeiture for every load of soil so cast into the highway or common fairing-way in ditching or scouring, twelve pence: (2) and where any heretofore

Making of
ditches to con-
the water.

fore have been so cast into the highway or common fairing-way, that there is a bank between the said way and the ditch, it shall be lawful for the surveyors and workmen by the laws and statutes of this realm appointed for the amendment of the said highways, to make sluices or other devices by their discretions, to convey the water out of the said way into the ditch; any law, right, interest, custom or usage to the contrary notwithstanding.

VIII. And that all and every penalty, sum or sums of money forfeited for any cause within this statute, shall be levied in every parish by the surveyors of the ways within that parish for the time being, by distress and sale of distress in manner and form as fines or americiaments in leets have been used, and the money so levied to be employed upon the highway or common fairing-way where the offence was committed: (2) and if the surveyors shall not or will not levy and employ the same within one year after the offence so committed, that then the said sum or sums, forfeiture or forfeitures, shall be levied in form aforesaid, by the constables or churchwardens of the town or parish where the work ought to be done in the highway as aforesaid; (3) and that he or they so levying any of the said penalties or forfeitures, shall make and yield such account appointed in the before-recited statutes or either of them.

IX. And be it further enacted by the authority aforesaid, That all and every justices of assise, justices of *oyer and terminer*, justices of the peace in the sessions, and stewards of leets and lawdays in their leets and lawdays, shall hear and determine all and every offence, matter and cause that shall grow, come or rise by reason of this statute.

X. *And where the ferry or passage, called the King's-ferry, within the isle of Shippey in the county of Kent, before the making of the statute of highways was usually repaired and maintained time out of memory of man, at the charges of all the inhabitants and land-occupiers within the whole isle, by taxation and sessment at one court or lawday, time out of mind, yearly holden on the Monday next after the feast of Pentecost at Kingsborow within the said isle, in the name of the Queen's majesty and her progenitors, only for the maintenance of the same ferry:* (2) be it therefore enacted, That the said court shall be duly kept in such manner and form as hath been heretofore accustomed; (3) and that it shall and may be lawful to and for the jury impanelled and sworn at the same court for the time being, by their discretions reasonably to assess and tax themselves and all other the inhabitants and land-occupiers of the said isle indifferently, according to the rate of land in every man's occupying, towards the maintenance of the said ferry and passage and the ways belonging or leading to the same, so as no acre of fresh marsh and upland be taxed above the rate of a penny in one year, nor of every ten acres of salt marsh above the rate of a penny in one year: (4) and that all and every thing, profit, benefit and commodity, which heretofore hath been given by any person or persons whatsoever towards

How the forfeitures arising by this statute shall be levied and employed.

What officers may hear and determine the offences aforesaid.

By what persons and means King's-Ferry in the isle of Shippey in Kent shall be repaired.

How fresh and upland marsh shall be taxed, and how salt marsh, by the acre.

Things given to the maintenance of the ferry.

The ferry-warden shall bestow the money upon the repair thereof, and make payment of the arrearages.

Taxing of the inhabitants for the repair of the way from Middleton to the ferry.

the maintenance of the said passage or ferry, shall be had and levied to the maintenance of the said passage or ferry; (5) and that the ferry-warden for the time being shall have full power and authority to levy, recover and receive the same, and the taxes and assessments of every person and persons, by way of distress, upon the extreats made out by the steward of the said court, as all americiaments are used to be levied that are extreated out of other the Queen's majesty's leets and lawdays: (6) and that the said ferry-warden shall bestow the money so levied upon the repairing and maintenance of the said ferry, passage and ways, and therefore shall give account as they have been accustomed, to the steward of the said court, and homage there to be sworn at the next lawday following; and all arrearages in his hands remaining shall deliver over to the next ferry-warden, on pain to forfeit the double of the said arrearages, to be levied as other pains and americiaments in the court aforesaid assessed, and to be employed to the maintenance of the said passage or ferry.

XI. *And forasmuch as the usual highway leading from the market-town called Middleton to the said ferry is presently in such decay, that neither man nor beast without great danger is able to pass, whatsoever necessity should suddenly happen for men to repair into or out of the said isle, and the parish where the same lieth is not able to repair the same:* (2) be it therefore further enacted, That it shall be lawful from henceforth yearly, during the space of ten years, for three justices of peace whereof one to be of the *quorum*, next inhabiting to the said town of Middleton within the said county of Kent, reasonably to assess and tax all and every land-occupiers dwelling out of the said isle and within four miles distant from the said ferry, as to their discretions shall seem convenient, not exceeding the sum of one penny upon every acre of fresh marsh and upland in one year, and upon every ten acres of salt marsh one penny in one year, and to assign and appoint such person and persons as they shall think meet for the collecting and employing of the same upon the said highways: (3) and that it shall be lawful for the said three justices for the time being, yearly, during the said ten years, to take account and reckoning of the said person or persons, touching or concerning the said money so to be levied or employed. 27 El. c. 24.

C A P. XI.

An act for explanation of the statutes, intituled, Against defeating of dilapidations, and against leases to be made of spiritual promotions in some respects.

A lease or other conveyance to be made of any spiritual living, whereof there is a lease being, not

WHEREAS by a statute made in a parliament holden at Westminster the second day of April in the thirteenth year of the reign of our most gracious sovereign Lady, intituled, An act against fraudulent gifts, to the intent to defeat dilapidations of ecclesiastical livings, and for leases to be granted by collegiate churches, it was amongst other things enacted by the authority of parliament, That

from

from thenceforth all leases, gifts, grants, feoffments, conveyances or estates to be made, had, done or suffered, (2) by any master and fellows of any college, or by any dean and chapter of any cathedral or collegiate church, master or guardian of any hospital, parson, vicar or any other having any spiritual or ecclesiastical living, or any houses, lands, tithes, tenements or other hereditaments, being any parcel of the possessions of any such college, cathedral church, chapter, hospital, parsonage, vicarage or other spiritual promotion, or any ways appertaining or belonging to the same, or of any of them, to any person or persons, bodies politick or corporate; (3) other than for the term of twenty-one years or three lives, from the time of any such lease or grant shall be made or granted, whereupon the accustomed yearly rent or more shall be reserved and payable yearly during the said term; (4) shall be utterly void and of none effect, to all intents, constructions and purposes; any law, custom or usage to the contrary notwithstanding, as in the said act more plainly appeareth:

II. Sithence the making of which said estatute, divers of the said ecclesiastical and spiritual persons and others, having spiritual or ecclesiastical livings, have from time to time made leases for the term of twenty-one years or three lives, long before the expiration of the former years, contrary to the true meaning and intent of the said statute: (2) be it therefore enacted by this present parliament, That all leases hereafter to be made by any of the said ecclesiastical, spiritual or collegiate persons or others, of any their said ecclesiastical, spiritual or collegiate lands, tenements or hereditaments, whereof any former lease for years is in being, not to be expired, surrendered or ended within three years next after the making of any such new lease, shall be void, frustrate and of none effect; any law, usage or custom to the contrary notwithstanding.

III. And be it likewise enacted by the authority aforesaid, That all and every bond and covenant whatsoever hereafter to be made, for renewing or making of any lease or leases, contrary to the true intent of this act, or of the said act made in the said thirteenth year, shall be utterly void; any law, statute, ordinance or other thing whatsoever to the contrary in any wise notwithstanding.

IV. Provided always, That this act, nor any thing therein contained, shall extend or be prejudicial to make frustrate or void any lease or leases heretofore made by any of the said spiritual or ecclesiastical person or persons or any of them, but that the same and every of them are of the like force and effect, as they or any of them were before the making of this present statute; this act or any thing therein contained to the contrary notwithstanding.

V. And where Sir Thomas White, late knight and alderman of London, for advancement of good learning, hath founded one college in the university of Oxford, called St. John Baptist's college, and being seised of the manor of Fishyde, alias Fifeild, in the county of Berks, did, together with all other his lands, tenements and hereditaments, give and assure the said manor, with the appurtenances, to the president and scholars of the said college for ever: (2) and never-

to be determined within three years, and all bonds and covenants for renewing thereof, shall be void, &c. A rehearsal of the statute of 13 El. c. 10. touching assurances made by spiritual persons, of their lands, tithes, &c.

Practices to defeat the meaning of the foresaid stat. 1 And.

65. Leases by spiritual persons of their lands in lease.

A bond or covenant for the renewing of a lease. Moor 789. pl. 1089. Godb. 29.

Leases made before this statute.

Sir Thomas White, founder of St. John's college in Oxford.

theless the said Sir Thomas White having then one Ralph White his brother living, and sundry kinsmen, to whom, by course of the common law, his lands might have descended, did devise and order, and by the statutes which he provided for the said house, and by order of the now visitor of the said college, it is ordained, That the said manor of Fishyde, alias Fifield, with the appurtenances, should be demised by the said president and scholars for the time being, to the said Ralph for the term of ninety-nine years, if the said Ralph should so long live, and so it is intended, that from heir male to heir male of the said Sir Thomas White, new devises should from time to time be made of the said manor with the appurtenances, to every such heir male successively for the term of ninety-nine years, if such heir male should so long live, yielding to the said president and scholars for the time being, such rent as now is reserved, with such further covenants and conditions, as by the said Sir Thomas White or visitor is agreed and appointed :

A lease may be made to Ralph White, of the manor of Fifield, by St. John's college in Oxford.

VI. *And where since the decease of the said Sir Thomas White, the said assurances to the said president and scholars, in all, or the most part of the lands, tenements and hereditaments of the said founder, were found in some respect imperfect and insufficient in law, and that thereupon the said Ralph White, to whom the advantage of such imperfection came by law, did nevertheless take no such advantage, but did willingly make perfect the said assurances according to the true meaning of the said Sir Thomas White his brother, accepting only one lease of the said manor, in such sort as by the said visitor was appointed, with the copyholds and other appurtenances of the said manor: (2) for remedy whereof, be it enacted, That the president and scholars of the said college may from time to time demise the said manor, copyholds and other appurtenances to every heir male of the said Sir Thomas White successively, according to the form of lease thereof already made to the said Ralph, and that every such lease so to be made, and every covenant made or to be made for the performance of the same, shall be good in law, as if the said act made in the said thirteenth year had never been had nor made: any thing in the said act made in the said thirteenth year, or any other act or matter whatsoever to the contrary notwithstanding.*

13 El. c. 19.

13 El. c. 20.

VII. *And whereas in one other statute made in the said thirteenth year of her Majesty, intituled, An act touching leases of benefices, and other ecclesiastical livings with cure, one clause is contained, That the incumbent offending the purport of the said statute shall for the same lose one year's profit of his said benefice, to be distributed by the ordinary among the poor of the parish, as by the said branch in the said last recited statute appeareth: (2) be it therefore enacted by the authority aforesaid, That after complaint made to the ordinary, and sentence given upon any offence committed by the incumbent, whereby he shall or ought to lose one year's profit of his benefice as afore shewed, that the ordinary within two months after such sentence given, and request to him made by the churchwardens of the said parish or one of them, shall grant the sequestration of such profits to such inhabitant or inhabitants within*

In what case sequestration may be granted by the ordinary of a benefice demised contrary to the statute of 13 El. c. 20.

within

the parish where such benefice shall be, as to him shall seem meet and convenient ; (3) and upon default therein by the ordinary, that it may and shall be lawful to every parishioner where the benefice is, to retain and keep his or their tithes, and likewise for the church-wardens of the said parish, to enter and take the profits of the glebe lands, and other rents and duties of every such benefice, to be employed to the use of the poor as aforesaid, until such time as sequestration shall be committed by the ordinary, and then as well the church-wardens as the parishioners, to yield account of, and make payment to him or them to whom such sequestration shall be committed ; (4) and that he or they to whom such sequestration shall be committed from time to time, shall justly and truly employ and bestow the said profits, or the true and just value thereof, without fraud or guile, to such uses as by the said statute is limited and appointed, (5) upon pain of forfeiture of the double value of such withholden profits, to be recovered in the ecclesiastical court by the poor of the said parish. 4 Co. 120. Co, Lit. 44.

In what case the parishioners may retain the tithes.

C A P. XII.

An act for trial of nisi prius in the county of Middlesex.

WHEREAS heretofore all issues joined in any of the courts of record at Westminster, triable in the county of Middlesex, have been usually tried at the bars in the said courts in Westminster : (2) and whereas a great number of actions have of late years been brought in the said county of Middlesex, for speediness of trial, and that for small causes, (3) by reason whereof, the judges of the same courts have not only been letted and hindered in their proceedings in matters of great weight depending before them by demurrer or otherwise, to the great delay of justice, and occasion of great expences and charges of a number of the Queen's majesty's most loving subjects, but also to the great trouble and charge of the freeholders of the said county, who are compelled to give daily attendance at the several bars of the same several courts for the trial of the said issues : (4) for reformation whereof, Be it enacted by the Queen's most excellent majesty, our sovereign lady, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth the chief justice of England for the time being, upon issues joined or to be joined in the court called the King's bench, or in the court of chancery, the chief justice of the common pleas for the time being, upon issues joined or to be joined in the court of common pleas, and the chief baron of the exchequer for the time being, upon issues joined or to be joined in the court of the exchequer, (5) or in the absence or default of any of them, two other judges or barons of the same several courts where it shall happen either of the same chief justices, or the chief baron for the time being, to be absent, (6) shall or may at their discretions, within the said hall called Westminster-Hall in Westminster, or in the place where the court of exchequer is

Issues joined in the chancery, King's bench, common pleas, or exchequer, may be tried by nisi prius in Westminster hall.

By 12 Geo. 1.
c. 31. s. 1. the
trial may be
within eight
days after
term.

commonly kept in the said county of *Middlesex*, as justices of *nisi prius* for the said county of *Middlesex*, within the term-time, or within four days next after the end of every or any term severally, try all manner of issues joined or to be joined in any of the said several courts, which by the ordinary course of the laws of the realm ought to be tried in any of the said courts by an inquest of the said county of *Middlesex*: (7) and that commissions and writs of *nisi prius* shall be awarded in such cases, and in such form, as they are or have been used in any other shire of this realm: (8) and that it shall be lawful for any person or persons from henceforth, upon reasonable warning given to the adverse party or his or their attorney, as hath been accustomed in such like cases, to take or sue forth writs and records of *nisi prius*, for the trial of the said issues in the said county of *Middlesex*, as they may do upon any issue joined, triable in any other county, (9) and thereupon take the jury in such manner and form, and with awarding of *tales de circumstantibus*, and awarding the nonsuit, as is used for the trial of issues joined, or nonsuits to be awarded, in the said courts or any of them, triable within the city of *London*, or within any other county of this realm of *England*: (10) and that the sheriffs of the said county of *Middlesex* for the time being, shall make return of all writs of *nisi prius* which shall be delivered to them, or to their or to any of their sufficient deputy for the time being, before the said judges, baron or barons and every of them, and shall give their attendance upon the said justices, baron and barons, as well for the returning of such *tales* as shall be prayed *de circumstantibus*, for the trying of the said issues, as for the doing and executing of all other thing and things to the office of sheriff in such case belonging and appertaining: (11) and that all persons to be impanelled in such juries, and the parties to the same issues and suits, and the witnesses for the same, shall be charged and bound in such and the like sort, and upon like pains and penalties for their not appearance and attendance, or for their or any of their misdemeanour or default before the said justices of *nisi prius*, as they should have been, if the same issue had been tried in the court from whence the *nisi prius* thereof was awarded: (12) all which several trials so to be had before the said several justices, baron or barons, shall by authority of this present parliament stand and be as good and available in law, as if the same had been tried in the term-time, at the bar in the court where such issue was joined or triable; any law, usage or custom heretofore made, used or accustomed to the contrary hereof in any wise notwithstanding.

The sheriff of
Middlesex his
attendance.

The jurors
and parties
witnesses
bound by the
trial.

C A P. XIII.

32 Car. 2. c. 24,

An act concerning offices found within the counties palatines.

CAP. XIV.

An act for reformation of jeofails.

BE it enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any verdict of twelve men or more shall be hereafter given in any action, suit, bill, plaint or demand, in any court of record, the judgment thereupon shall not be stayed or reversed by reason of any default in form, or lack of form, touching false *Latin* or variance from the register, or other defaults in form, in any writ original or judicial, count, declaration, plaint, bill, suit or demand, or for want of any writ original or judicial, or by reason of any imperfect or insufficient return of any sheriff or other officer, or for want of any warrant of attorney, or by reason of any manner of default in process, upon or after any *aid prier* or *voucher*, nor any such record or judgment after verdict to be given hereafter, shall be reversed for any the defects or causes aforesaid; any law, statute or usage to the contrary notwithstanding.

This act extended to writs of mandamus, &c. by 9 Ann. c. 20. f. 7. After verdict given in a court of record, there shall be no stay of judgment, or reversing thereof for want of form, false Latin, variance, &c. When an attorney shall deliver his warrant of

record. 1 Bulst. 130, 152. 2 Bulst. 67. 3 Bulst. 224, 228, 278, 301. Moor 402. pl. 535, 465. pl. 657. 1 Leon. 30, 175, 329. 2 Leon. 74. March 121. Savil 37, 130. 1 Roll. 22, 295, 338. 2 Roll. 124, 161, 168, 247, 255, 285, 382. Godbolt 107. pl. 127. Goldsb. 126, 188. Hob. 49, 64, 70. Jones 301. 5 Co. 35, 36, 37, 41. 8 Co. 163. Cro. El. 57, 339, 574. Cro. Jac. 188, 236, 674. Cro. Car. 92, 223, 278, 282, 295. Hob. 38.

II. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to any writ, declaration or suit of appeal of felony or murder, nor to any indictment or presentment of felony, murder, treason or other matter, nor to any process upon any of them, nor to any writ, bill, action or information upon any popular or penal statute; any thing aforesaid to the contrary notwithstanding.

To what things this statute shall not extend.

III. Provided also, and be it enacted by the authority aforesaid, That all attorneys in any suit or action in any court of record, shall deliver in the warrant of attorneys in such action or suit wherein they be named attorneys, to be entered or filed of record, in such manner and form as heretofore by the law or statutes in that behalf made they should or ought to have done, upon pain to forfeit ten pounds for every such offence: the one moiety thereof to be to the Queen's majesty, her heirs and successors, and the other moiety to such officer or officers, to whom or in whose office the same warrant should be delivered, entered or filed, and to suffer imprisonment by the discretion of the justices of the court for the time being, where any such default shall fortune to be had or made; the said ten pounds to be recovered by action of debt, bill or information, in which no esoin, protection or wager of law shall be allowed.

When an attorney shall enter his warrant of record. 16 & 17 Car. 2. c. 8. 4 & 5 Ann. c. 16.

32 H. 8. c. 30. 2 & 3 Ed. 6. c. 32. 21 Jac. 1. c. 13.

CAP. XV.

An act for reformation of abuses in goldsmiths.

A goldsmith shall set his mark to his ware. Of what fineness his wares of gold and silver shall be.

WHERE certain evil-disposed goldsmiths deceitfully do make and sell plate, and other gold and silver wares, to the great defrauding of her Majesty and her good subjects: (2) For remedy whereof, be it enacted by the authority of this present parliament, That no goldsmith from the twentieth day of *April* next coming shall work, sell, exchange or cause to be wrought, sold or exchanged, any plate or other goldsmiths wares of gold, less in fineness than that of two and twenty carrets, and that he use no fother, amell or other stuffings whatsoever, in any of their works, more than is necessary for the finishing the same; (3) and that they take not above the rate of twelve-pence for the ounce of gold, besides the fashion, (more than the buyer shall or may be allowed for the same at the Queen's exchange or mint) upon pain to forfeit the value of the thing so sold or exchanged: (4) and that from the said twentieth day of *April* no goldsmith shall make, sell or exchange in any place within this realm, any plate or goldsmiths wares of silver, less in fineness than that of eleven ounces twopeny weight; (5) nor take above the rate of twelve pence for every pound weight of plate or wares of silver, besides the fashion, more than the buyer shall or may be allowed for the same at the Queen's exchange or mint; (6) nor put to sale, exchange or sell any plate or goldsmiths work of silver, before he has set his own mark to so much thereof as conveniently may bear the same; (7) upon pain to forfeit the value of the thing so sold or exchanged. (8) And if any goldsmith shall make any goldsmiths work or plate, and the same after the said twentieth day of *April* shall be touched, marked and allowed for good, by the wardens or masters of that mystery, and if in the same there shall be found any falshood or deceit; then the wardens and corporation of that mystery for the time being, shall forfeit and pay the value of the thing so exchanged or sold; (9) the one moiety of all which forfeitures shall be to the use of the Queen's majesty, and the other moiety to the use of such party grieved and sustaining loss thereby, as will sue for the same in any court of record, by action, bill, plaint, information or otherwise, wherein no essoin, protection or wager of law shall be admitted for the defendant.

The fineness of silver plate, and what the goldsmith shall take more than the buyer shall have for it at the mint.

Enforced by
6 Geo. 1. c. 11.
f. 3.

37 Ed. 3. c. 7.
2 H. 6. c. 14.

The penalty if falshood be found in plate, or work marked by the wardens of the goldsmiths.

17 Ed. 4. c. 1.

CAP. XVI.

Persons dwelling in the counties of *Somerset*, *Gloucester* and *Wils*, out of corporate towns, may make clothes, notwithstanding the statute of 4 & 5 P. & M. c. 5. &c. Repealed by 21 Jac. 1. c. 28. f. 11.

CAP. XVII.

The morrow after the quarter-sessions holden next after *Easter* in *Kent*, the wardens and commonalty of the lands contributory to *Rocheſter* bridge shall for ever assemble at the castle of *Rocheſter*, and there elect by the most voices, two persons of the same commonalty to be wardens of the same bridge, and twelve persons of the same commonalty to be assistants to the said two wardens, for one year after the feast of *Pentecost* then following:

following: and the two wardens so chosen shall do their endeavour that year to benefit the said bridge; and shall receive the fines, rents and revenues of the lands belonging to the bridge, and of all contribution money payable to the use of the same bridge, and shall answer and pay out of the same as cause shall require. The new wardens shall be bound to the former wardens to make an account. The old wardens shall account the *Thursday* in *Whitsun* week. The wardens and assistants shall subscribe to all leases made of the bridges lands; which leases shall be made but of such effect as tenant in tail may do by the statute of 32 H. 8. c. 28. and for no fines. And every seven years there shall be made a terrar of the lands leased. No owners or tenants of lands contributory to the maintenance of the said bridge, shall be assessed to pay towards the maintenance thereof, but only when the rents or profits of the lands belonging to the same be not sufficient.

Altered by
1 Annæ, st. 1.
c. 18. s. 14.

CAP. XVIII.

The county of *Gloucester* and the county of *Monmouth* shall stand for ever chargeable for the maintenance, repairing and new-making of *Chepstow-Bridge*, as often as need shall require, *viz*: either of them for such part and moiety as lieth in the middle of the stream of the water of *Wye*, on the sides of the lordships of *Chepstow* and *Tydenham*: and for the assessment, collection and employing of the money thereupon to be spent, such order shall be observed as is appointed by the statute of 22 H. 8. c. 5. REP. 3 Jac. 1. c. 23. and other provisions made relating hereto.

CAP. XIX.

Every person which shall be immediate owner, landlord or terre-tenant of any house, lands or tenements within the city of *Chichester*, in fee-simple, fee-tail, for life or years, shall from time to time, or by the assignment of the mayor of the city, cause to be paved with good paving-stones, along, from and against his house, lands, &c. adjoining to the street, so much of the said street as in length to the chanel, upon pain of forfeiture of three shillings four-pence for every yard square not paved. The lessees for years, or at will, may default so much of their lord's rent as they shall bestow in such paving, unless they shall otherwise covenant.

CAP. XX.

An act for the repairing and amending of the bridges and bighighways near unto the city of Oxford.

FORASMUCH as your Highness's university and city of Oxford hath received from your Highness, and your noble progenitors, great privileges and prerogatives, as also the inhabitants and dwellers within the compass and precinct of five miles thereunto adjoining, as chiefly by a statute made in the second and third year of King Philip and Queen Mary, intituled, An act that no purveyor shall take any grain corn or other victual within the compass or precinct of five miles of the said city: and in the thirteenth year of your Majesty's reign hath been renewed and enlarged: (2) by means whereof the inhabitants aforesaid, not only to themselves, but to their posterity, by the markets of your said city, is like to reap much gain, profit, commodity and advantage, by utterance of their corn, grain and victual: saving that the ways, bridges and passages leading from your Highness's manors, and other places of this realm, to your Highness's city, (being for the most part water-works) within these two years, by force of waters are so decayed, fallen down and impaired, that your Highness and subjects, with your and their carriage, travelling that way, as others travelling out of all parts of this realm, are much annoyed and incumbered,

2&3 Ph. & M.
c. 15.

13 El. c. 21.

The ways near Oxford decayed, and the inhabitants not able to repair them. They that have land, meadow or pasture in occupation next to Oxford, shall be charged towards the repair of the ways there. Inhabitants within five miles of Oxford having one yard-land, &c. shall pay four-pence, only &c. 35 El. c. 7. f. 26. The cottager and labourer's charge. The forfeitures of them who make default. Digging of gravel, sand, rubbish or stone in other men's grounds. 2 & 3 Ph. & M. c. 8. Distress for default of payment of the forfeiture. *Continued by* 3 Car. 1. c. 4. 16 Car. 1. c. 4.

CAP. XXI.

It shall be lawful for every person to buy and sell within the borough of *New Woodstock*, in the county of *Oxford*, all manner of wools and yarns brought into the said borough, upon the usual market and fair days, and the same to use and employ to their best profit.

CAP. XXII.

The confirmation of a subsidy of six shillings in the pound, granted to the Queen by the clergy, to be paid in three years. E X P.

CAP. XXIII.

Three fifteenths and tenths, and one subsidy granted to the Queen by the temporality. E X P.

CAP. XXIV.

A confirmation by parliament of the Queen's free and general pardon. E X P.

Anno vicefimo tertio Reginae Elizabethæ.

AT this present session of parliament by prorogation holden at Westminster the sixteenth day of January in the three and twentieth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. and there continued until the eighteenth of March following: To the high pleasure of Almighty God, and weal publick of this realm, were enacted as followeth.

CAP. I.

An act to retain the Queen's majesty's subjects in their due obedience.

23 Eliz. c. 2.
3 Inf. 198.

WHERE sithence the statute made in the thirteenth year of the reign of the Queen our sovereign lady, intituled, An act against the bringing in, and putting in execution of bulls, writings and instruments, and other superstitious things from the see of Rome, divers evil-afflicted persons have practised, contrary to the meaning of the said statute, by other means than by bulls or instruments written or printed, to withdraw divers the Queen's majesty's subjects from their natural obedience to her Majesty, to obey the said usurped authority of Rome, and in respect of the same to per-

perfwade great numbers to withdraw their due obedience from her Majesty's laws, eftabliſhed for the due ſervice of Almighty God.

II. For reformation whereof, and to declare the true meaning of the ſaid law, be it declared and enacted by the authority of this preſent parliament, That all perſons whatſoever, which have or ſhall have, or ſhall pretend to have power, or ſhall by any ways or means put in practice to abſolve, perfwade or withdraw any of the Queen's majeſty's ſubjects, or any within her Highneſs realms and dominions, from their natural obedience to her Majeſty: (2) or to withdraw them for that intent from the religion now by her Highneſs authority eſtabliſhed within her Highneſs dominions, to the *Romiſh* religion, (3) or to move them or any of them to promiſe any obedience to any pretended authority of the ſee of *Rome*, or of any other prince, ſtate or potentate, to be had or uſed within her dominions, (4) or ſhall do any overt act to that intent or purpoſe; and every of them ſhall be to all intents adjudged to be traitors, and being thereof lawfully convicted ſhall have judgment, ſuffer and forfeit, as in caſe of high treaſon. (5) And if any perſon ſhall after the end of this ſeſſion of parliament, by any means be willingly abſolved or withdrawn as aforeſaid, or willingly be reconciled, or ſhall promiſe any obedience to any ſuch pretended authority, prince, ſtate or potentate, as is aforeſaid, that then every ſuch perſon, their procurers and counſellors thereunto, being thereof lawfully convicted, ſhall be taken, tried and judged, and ſhall ſuffer and forfeit, as in caſes of high treaſon.

Treaſon to withdraw any from the religion eſtabliſhed to the Romiſh religion.

1 Leon, 239.

It ſhall be treaſon to be reconciled or withdrawn to the Romiſh religion.

III. And be it likewise enacted and declared, That all and every perſon and perſons that ſhall wittingly be aiders or maintainers of ſuch perſons ſo offending as is above expreſſed, or any of them, knowing the ſame, or which ſhall conceal any offence as aforeſaid, and ſhall not within twenty days at the furtheſt, after ſuch perſons knowledge of ſuch offence, diſcloſe the ſame to ſome juſtice of peace or other higher officer, ſhall be taken, tried and judged, and ſhall ſuffer and forfeit, as offenders in miſprifion of treaſon.

The penalty of aiders, maintainers and concealers.

IV. And be it likewise enacted, That every perſon which ſhall ſay or ſing maſs, being thereof lawfully convicted, ſhall forfeit the ſum of two hundred marks, and be committed to priſon in the next gaol, there to remain by the ſpace of one year, and from thenceforth till he have paid the ſaid ſum of two hundred marks: (2) and that every perſon which ſhall willingly hear maſs, ſhall forfeit the ſum of one hundred marks, and ſuffer impriſonment for a year.

The forfeiture for ſaying or hearing of maſs.

V. Be it alſo further enacted by the authority aforeſaid, That every perſon above the age of ſixteen years, which ſhall not repair to ſome church, chapel or uſual place of common prayer but forbear the ſame, contrary to the tenor of a ſtatute made in the firſt year of her Majeſty's reign, for uniformity of common prayer, and being thereof lawfully convicted, ſhall forfeit to the Queen's majeſty for every month, after the end of this ſeſſion of parliament, which he or ſhe ſhall ſo forbear,

The penalty of not coming to the church by the ſpace of a month, according to the ſtat.

1 Eliz. c. 2.

The King may ſeize two

twenty

parts of the
offenders lands,
Sec. in lieu of
the twenty
pounds.

3 Jac. 1. c. 4.
f. 11.

Hob. 127.

1 Leon. 241.

2 Leon. 5.

1 Anderf. 138.

Hob. 205.

11 Co. 56.

Cro. Jac. 480.

1 Roll. 89, 92.

Lane 60, 91.

Bridg. 120.

2 Bulstr. 324.

3 Bulstr. 87.

The forfeiture
for keeping
of a school-
master not
repairing to
the church, or
not allowed by
the ordinary.

twenty pounds of lawful *English* money; (2) and that over and besides the said forfeitures, every person so forbearing by the space of twelve months as aforesaid, shall for his or her obstinacy, after certificate thereof in writing made into the court commonly called the King's bench, by the ordinary of the diocese, a justice of assize and gaol-delivery, or a justice of peace of the county where such offender shall dwell or be, be bound with two sufficient sureties in the sum of two hundred pounds at least, to the good behaviour, (3) and so to continue bound, until such time as the persons so bound do conform themselves and come to the church, according to the true meaning of the said statute made in the said first year of the Queen's majesty's reign.

VI. And be it further enacted, That if any person or persons, body politick or corporate, after the feast of *Pentecost* next coming, shall keep or maintain any school-master which shall not repair to church as is aforesaid, or be allowed by the bishop or ordinary of the diocese where such school-master shall be so kept, shall forfeit and lose for every month so keeping him, ten pounds.

VII. (Provided that no such ordinary or their ministers shall take any thing for the said allowance.) (2) And such school-master or teacher, presuming to teach contrary to this act, and being thereof lawfully convicted, shall be disabled to be a teacher of youth, and shall suffer imprisonment without bail or mainprize for one year.

VIII. And be it likewise enacted, That all and every offences against this act, or against the acts of the first, fifth or thirteenth years of her Majesty's reign, touching acknowledging of her Majesty's supreme government in causes ecclesiastical, or other matters touching the service of God or coming to church, or establishment of true religion in this realm, shall and may be inquirable, as well before justices of peace, as other justices named in the same statutes, within one year and a day after every such offence committed; any thing in this act, or in any other act to the contrary notwithstanding.

IX. Be it likewise enacted, That the justices of *oyer* and *terminer*, and justices of assize and of gaol-delivery, in their several limits, shall have power to enquire, hear and determine of all offences against this statute: (2) and justices of peace in their open quarter-sessions of peace shall have power by virtue of this act to enquire, hear and determine of all offences against this act, except treason and misprision of treason.

X. Provided alway, That every person guilty of any offence against this statute, other than treason and misprision of treason, which shall before he be thereof indicted, or at his arraignment or trial before judgment, submit and conform himself before the bishop of the diocese where he shall be resident, or before the justices where he shall be indicted, arraigned or tried, (having not before made like submission at any his trial, being indicted for his first like offence) shall upon his recognition of such sub-

mission

What justices
may enquire of
offences done
against the
statute of
1 Eliz. c. 1.
5 Eliz. c. 1.
13 Eliz. c. 1.
Cro. Car. 20.

19 Eliz. c. 6.

A remedy for
a guilty person
conforming
himself.
Co. Entr. 569.
2 Roll. 108.
Raym. 465.

mission in open assises or sessions of the county where such person shall be resident, be discharged of all and every the said offences against this act (except treason and misprision of treason) and of all pains and forfeitures for the same.

XI. And be it likewise enacted, That all forfeitures of any sum of money limited by this act, shall be divided in three equal parts, whereof one third part shall be to the Queen's majesty to her own use, one other third part to the Queen's majesty for relief of the poor in the parish where the offence shall be committed, to be delivered by warrant of the principal officers in the receipt of the exchequer without further warrant from her Majesty, and the other third part to such person, as will sue for the same in any court of record, by action of debt, bill, plaint or information; in which suit no essoin, protection or wager of law shall be allowed: (2) and that every person which shall forfeit any sums of money by virtue of this act, and shall not be able, or shall fail, to pay the same within three months after judgment thereof given, shall be committed to prison there to remain until he have paid the said sums, or conform himself, or go to church, and there do as is aforesaid.

Who shall have the money forfeited by this statute.

He shall be imprisoned that is not able or doth not pay the forfeiture.

XII. Provided also, That every person which usually on the Sunday shall have in his or her house the divine service which is established by the law of this realm, and be thereat himself or herself usually or most commonly present, and shall not obstinately refuse to come to church, and there to do as is aforesaid, and shall also four times in the year at the least be present at the divine service in the church of the parish where he or she shall be resident, or in some other open common church or such chapel of ease, shall not incur any pain or penalty limited by this act for not repairing to church.

Service in a man's private house.

XIII. And be it likewise enacted and declared, That every grant, conveyance, bond, judgment and execution, had or made since the beginning of this session of parliament, or hereafter to be had or made, of covinous purpose to defraud any interest, right or title, that may or ought to grow to the Queen, or to any other person, by means of any conviction or judgment by virtue of this statute, or of the said statute of the said thirteenth year, shall be, and be adjudged to be, utterly void against the Queen, and against such as shall sue for any part of the said penalties in form aforesaid.

Fraudulent assurances to defeat forfeitures.
2 Leon. 132.
Moor 523. pl. 691.

XIV. Provided always, That if any peer of this realm shall happen to be indicted of any offence made treason or misprision of treason by this act, he shall have his trial by his peers as in other like cases is accustomed.

29 El. c. 6.
Trial of a peer by his peers.

XV. Provided also, That neither this act, nor any thing therein contained, shall extend to take away or abridge the authority or jurisdiction of the ecclesiastical censures for any cause or matter, but that the archbishops and bishops and other ecclesiastical judges may do and proceed, as before the making of this act they lawfully did or might have done; any thing in this act to the contrary notwithstanding. 1 W. & M. stat. 1. c. 18.

Ecclesiastical censures.

CAP. II.

1 & 2 Ph. &
M. c. 9.
1 Eliz. c. 6.

If any person shall advisedly and with a malicious intent, of his own imagination, speak any false and slanderous news or tales against the Queen that now is, then he shall have both his ears cut off, except he pay two hundred pounds to the Queen's use in the exchequer within two months after judgment: And if he speak such slanderous news of the report of any other, he shall have one of his ears cut off, except he pay two hundred marks, &c. And if any person once convicted shall offend again, it shall be adjudged felony. And if any person shall devise, write, print or set forth any book, rhyme, ballad, letter or writing, containing any false, seditious and slanderous matter to the defamation of the Queen, or to the stirring or moving of any rebellion; or shall cause any such book, rhyme, writing, &c. to be written, printed or published; or shall by setting of any figure, casting of nativity, or by calculation, prophecying, witchcraft, conjuration, &c. seek to know, and shall set forth by express words, deeds or writings, how long the Queen shall live, or who shall reign as King or Queen after her decease; or shall utter any prophecies to any such intent; or shall wish or desire the death or deprivation of the Queen, or any thing to the same effect: Then every such offence shall be adjudged felony. *To continue only during the Queen's life.*

CAP. III.

An act for the reformation of errors in fines and recoveries.

Inrolment of
fines and reco-
veries.

FOR the appeasing of suits, the avoiding of false practises, deceits, devices and misdemeanours, and for helping of negligences and misprisions of clerks and officers, dangerous to assurances of men's lands and hereditaments; (2) Be it enacted by the Queen's most excellent majesty our sovereign lady, the lords, spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every writ of covenant and other writ, whereupon any fine heretofore hath been levied or hereafter shall be levied, the return thereof, the writ of *dedimus potestatem* made for the knowledging of any of the same fines, the return thereof, the concord, note and foot of every such fine, the proclamations made thereupon, and the King's silver, (3) and also every original writ of entry in the *post* or other writ, whereupon any common recovery hath been suffered or hereafter shall be suffered or passed, the writs of *Summon. ad Warrantizandum*, the returns of the said originals and writs of *Summon. ad Warrantizandum*, and every warrant of attorney had or to be had, as well of every demandant and tenant as vouchee, extant and remaining or that shall be extant and in being, (4) may upon the request or election of any person, be inrolled in rolls of parchment by such persons, and for such considerations, as hereafter in this act shall be mentioned; and that the inrolments of the same, or of any part thereof, shall be of as good force and validity in law, to all intents, respects and purposes, for so much of any of them so inrolled, as the same being extant and remaining were or ought by law to be.

The validity
of the inrol-
ment.

For what er-
rors fines and
recoveries are
not reverfable.

II. And be it further enacted by the authority aforesaid, That no fine, proclamations upon fines, or common recovery heretofore had, levied, suffered or passed, or hereafter to be had, levied,

levied, suffered or passed, shall be reversed or reverfable by any writ of error, for false or incongrue *Latin*, rasure, interlining, mis-entring of any warrant of attorney, or of any proclamation, mis-returning or not returning of the sheriff, or other want of form in words and not in matter of substance.

III. Provided always; That this act, nor any thing therein contained, shall bar or exclude any person or persons from any writ of error which shall be had, taken or pursued, within five years next after the end of the session of this present parliament, upon any fine or recovery heretofore had or suffered, nor from any writ of error which shall be had, taken or pursued upon any fine or recovery heretofore levied, knowledged or had, which fine or fines, recovery or recoveries, or any part of parcel of them or any of them, now is, or at any time before the first day of *June*, which shall be in the year of our Lord God one thousand five hundred eighty-two, shall be exemplified under the great seal of *England*, at and by the suit of any person that is or may be intituled to have or sue any writ of error upon any the fines or recoveries heretofore passed: (2) Nor to bar any feme covert, or any person within the age of one and twenty years, or any person that is *non compos mentis*, in prison or beyond the seas, of or from any writ of error to be had or prosecuted for the reversing of any fine or recovery heretofore passed, levied or suffered, so that such feme covert or her heirs, within seven years next after that she become sole, and such person within the age of one and twenty years, or his heirs within seven years next after he shall come and be of full age of one and twenty years, and such person that is *non compos mentis*, within seven years next after he shall become of sane memory, and in default thereof the heirs of such person that is *non compos mentis*, within seven years next after the death of such person being *non compos mentis*, and such person in prison or his heirs, within seven years next after the same person shall be at liberty, and such person beyond the seas or his heirs, within seven years next after the return of such person into this realm of *England*, or the death of the said person, if he shall before his return die in any foreign country, shall sue take and prosecute their writs of error, as their cases severally shall require, for reversing of any the said fines or recoveries heretofore passed, levied or suffered.

What persons may have writs of error to reverse fines or recoveries, and in what cases.

IV. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall, within the time and years afore-mentioned, commence or sue his or their writs of error for the reversing of any the said fines or recoveries heretofore passed, which suit shall fortune to abate by the death of any the parties to the same; that then it shall and may be lawful for his and their heirs, at any time within one year next after the said seven years expired, to have, sue and take their writ of error for the reversing of every such fine and recovery: (2) And if such heir be an infant within the age of one and twenty years, then within one year next after the full age of such infant; any thing in this present act contained to the contrary thereof in any wise notwithstanding.

A remedy for the heir where the ancestor dies pending the suit.

The day and year shall be certified of the knowledge of a fine or warrant of attorney for the suffering of a recovery.

V. And be it further enacted by the authority of this present parliament, That every person that shall at any time hereafter take the knowledge of any fine or warrant of attorney of any tenant or vouchee for suffering of any common recovery, or shall certify them or any of them, shall, with the certificate of the concord or warrant of attorney, certify also the day and year wherein the same was knowledge: (2) And that no person that taketh any such knowledge, of any fine, or warrant for any recovery, shall be bounden, or by any means enforced to certify any such knowledge or warrant, except it be within one year next after the said knowledge taken: (3) And that no clerk or officer shall receive any writ of covenant or writ of entry, whereupon any fine or common recovery is hereafter to pass, unless the day of the knowledge of the same fine and warrant shall appear in or by such certificate; (4) upon pain that every clerk that shall receive any such writ, shall forfeit for every time that he shall so offend, the sum of five pounds: (5) And that no attornment in or upon any fine be entered upon record, except the party mentioned to attorn therein, first have appeared in the court in person or by attorney warranted by the hand of one of the justices of the one bench or the other, or of one justice of assize, upon a writ of *quid juris clamat, quem redditum reddis, or per qua servitia*, as the case requireth: (6) And that every entry of attornment hereafter to be made, where there shall be no appearance as afore is said, shall be utterly void and of none effect, without any writ of error or other means to be used for the avoiding thereof.

Attornment upon a fine.

The office for inrolment of writs for fines and recoveries.

VI. And be it further enacted by the authority aforesaid, That there shall be for ever one office for the inrolment aforesaid, which shall be and continue an office for ever, called the office of inrolment of writs for fines and recoveries: (2) And that the justices of the common pleas for the time being (other than the chief justice) shall have and take the care and charge of and for the inrolments aforesaid, and shall have and enjoy the said office and the disposition thereof, and carefully see and look to the execution thereof: (3) And in consideration of their charges, pain and travel therein, shall have and take the sums of money hereafter following and no more; that is to say, for the inrolment and examination of every fine and the parts thereof before-mentioned, the sum of six shillings eight-pence: (4) And for the inrolment of the said parts of every recovery, and the examination thereof, six shillings eight-pence: (5) And for every exemplification of the inrolment of any fine five shillings: (6) And for the exemplification and returns of every writ of entry, summons *ad warrantizands*, and warrants, five shillings: (7) And for the search of the rolls of one year four pence: (8) And for the copy of one sheet of paper containing fourteen lines, four pence: (9) And that the said justices or one of them shall examine the inrolments of every such fine and parts of recoveries, and forthwith after examination thereof, and immediately after the inrolment of every such fine and parts of recoveries,

The fees for inrolment of fines and recoveries.

The chirographer's fee for writing the content of a fine.

record; wherein no effoin, protection or wager of law shall be allowed: (6) And that the chirographer for the time being shall have and take for every such content of every fine so fet down in the table aforesaid, four pence.

The earl of Kent's title.

VIII. *And forasmuch as upon great examination it appeareth, that divers fines and recoveries have been heretofore levied and suffered of divers manors, messuages, lands, tenements and hereditaments, which sometime were the inheritance of George sometime earl of Kent, great-grand-father to Henry now earl of Kent, in use, possession, reversion or remainder, whereunto the said now earl of Kent pretendeth title in use, possession, reversion or remainder, which, if they be erroneous as is pretended, do much vary from the general cause and mischief for which this statute meaneth to provide:* (2) Be it therefore enacted by the authority aforesaid, That neither this statute, nor any thing therein contained, shall extend to take away any writ of error whereunto any person or persons is now or hereafter shall be lawfully intituled, for the reverfing of the said fines and recoveries or any of them, heretofore levied or suffered of any of the said manors, messuages, lands, tenements or hereditaments, which late were any part or parcel of the inheritance of the said George sometime earl of Kent, in use, possession, reversion or remainder; any thing in this statute contained to the contrary thereof in any wise notwithstanding.

The records shall not be carried forth of the office.

IX. Provided always, and be it enacted by the authority aforesaid, That it shall be lawful for the justices clerks, authorized by their warrant, in the said several offices and places where the same records or any of them do or shall remain, to write out or inroll the same records and every part thereof, without any thing to be paid therefore: (2) And that the said records nor any of them, for the writing out or making the rolls thereof by the clerks of the said justices, otherwise than for the examination thereof by the justices, shall be brought or carried forth of the said offices or places.

No amendment of fines, &c. after exemplification.

X. And be it further enacted by the authority aforesaid, That none of the fines or recoveries heretofore levied, passed or suffered, which shall be exemplified under the great seal according to the form of this act, shall after such exemplification had, be in any wise amended. *See 27 El. c. 9. as to fines, &c. in Wales.*

CAP. IV.

The Queen shall and may, as need shall require, by commission under the great seal, give authority to certain commissioners in all and every the counties of Northumberland, Cumberland, Westmorland and the county palatine of Durham, or in any one of them, to enquire what tenancies and houses of habitation, sithence anno 27 H. 8. be decayed, and not occupied by men able to serve as horsemen or footmen, according to the ancient duty of those tenancies, and to examine the probable causes of those ruins, and of all the wants and evil furnitures of the said horsemen and footmen, and to give order for the reformation thereof with all speed, for the defence of the frontiers toward Scotland. REP. 4 Jac. 1. c. 1.

CAP. V.

An aēt touching iron-mills near unto the city of London and the river of Thames.

WHEREAS by reason of the late erection of sundry iron-mills in divers places of this realm not far distant from the city of London and the suburbs of the same, or from the Downs and sea-coasts of *Suffex*, the necessary provision of wood, as well timber fit for building and other uses, as also all other fellable woods serving for fuel, doth daily decay and become scant, and will in time to come become much more scarce, by reason whereof the prices are grown to be very great and unreasonable, and in time to come will be much more, if some remedy be not provided; to the great damage not only of the inhabitants of the said city of London and the suburbs of the same, but also to all others the Queen's majesty's most loving subjects, having occasion daily from all parts of the realm to repair unto the same and the places above said: (2) For remedy whereof, be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament here assembled, and by the authority of the same, That no person or persons from and after the feast-day of the nativity of Saint *John the Baptist* next coming, shall convert or employ, or cause to be converted or employed, to coal or other fuel for the making of iron or of iron metal, in any iron-mills, furnace or hammer, any manner of wood or underwood now growing, or which hereafter shall grow, within the compass and precinct of two and twenty miles from and about the city of *London* or the suburbs of the same, or within two and twenty miles of the river *Thames*, from *Dorchester* in the county of *Oxford* downwards the said river of *Thames*, nor within four miles of the foot of the hills called the *Downs*, betwixt *Arundel* and *Pemsey* in the county of *Suffex*, nor within four miles of any of the towns of *Winchelsey* and *Rye*, nor within two miles of the town of *Pemsey*, nor within three miles of the town of *Hastings* in the said county; (3) upon pain to forfeit for every load of wood so to be employed or converted into coal or other fuel for the making of iron or iron metal, in any iron-mill, furnace or hammer, as is aforesaid, forty shillings of lawful money of *England*; the one half, of all which forfeitures to be to our sovereign lady the Queen's majesty, and to her heirs and successors, and the other moiety to him or them that will sue for the same, by original writ, bill, plaint or information, wherein no essoin, protection or injunction, or wager of law shall be admitted or allowed.

Woods growing within a certain compass of London or Thames, shall not be felled to be converted to coals for iron-works.

In what places iron-works shall be erected. Iron-mills the great decay of wood.

II. Provided always, That this act shall not extend to any woods growing or to grow in any such part of the weilds of *Surrey*, *Suffex* or *Kent*, within the said twenty-two miles of the said city of *London* and the river of *Thames*, as is distant above eighteen miles from the city of *London*, and eight miles from the said river of *Thames*.

Woods growing in the weilds of *Surrey*, *Suffex* and *Kent*.

III. And be it likewise further enacted, That from hence-

New iron-works.

forth no new iron-works shall be erected within twenty-two miles of the said city of *London*, nor within fourteen miles of the river of *Thames* nor within four miles of the *Downs* aforesaid, or of the said towns of *Pemsey*, *Winchelsey*, *Hastings* or *Rye*, upon pain of one hundred pounds of lawful money of *England*, likewise to be recovered and employed as is aforesaid.

The woods of Christopher Darrell.

IV. Provided also, That this act, nor any thing therein contained, shall extend to any woods or underwoods now standing or growing, or which hereafter shall stand or grow, in or upon any lands of *Christopher Darrell* gentleman, in the parish of *Newdigate*, within the weild of the county of *Surrey*; which woods of the said *Christopher* have heretofore been and be by him preserved and coppised for the use of his iron-works in those parts. 1 *El. c. 15. 27 El. c. 19.*

CAP. VI.

For every ship, vessel or crayer, whereof any of the Queen's subjects shall be owners or part-owners, of the burden of twenty tuns or upward, loading or discharging within this realm, and passing to and from any foreign country, during eight years, there shall be paid for every such voyage by the master or owner of such ship, &c. three pence for every tun or burthen of every such ship, &c. (except vessels laden with sea coals or grindstones) toward the repair of *Dover* haven; and for every chaldron of sea coal or grindstone, one penny halfpenny. *EXP. 31 Eliz. c. 13. 35 Eliz. c. 7. 39 El. c. 18. 43 El. c. 9. 1 Jac. 1. c. 32.*

CAP. VII.

It shall not be lawful to any Englishman or woman, or denizen, to go or send into any other foreign country for the buying or bringing into this realm any salted fish, or salted herring, nor to make agreement with any stranger or other for such bringing of salted fish, &c. And no salted fish, &c. shall be brought hither out of any foreign dominion, but by the owners thereof, being aliens, without the procurement of any of the Queen's subjects. 33 *H. 8. c. 2. 13 El. c. 11. 27 El. c. 15. Repealed by 39 El. c. 10.*

CAP. VIII.

An act touching the true making, melting and working of wax.

Penalty for using deceit by mixture in melting wax, &c.

WHERE by the goodness of God this land doth yield great plenty of honey and wax, as not only hath and doth suffice the necessary uses of the Queen's majesty and her subjects, to be spent within this realm, but also a great quantity to be spared, to be transported unto other realms and countries beyond the seas, by way of merchandize, to the great benefit of her Majesty and the realm; (2) and yet nevertheless, a great part of the wax made and melted within this realm hath been found to be of late very corrupt, by reason of the deceitful mixture thereof, and the makers and sellers of honey also have not only used to put the said honey in cask of deceitful assise, but have used also deceitful mixtures of the same: (3) Be it therefore enacted by the authority of this present parliament, That every person within this realm or the dominions of the same, which shall after the feast of *Pentecost* next ensuing, in the making and melting of wax, by any way or means use or practise, or cause to be used or practised, any manner of deceit by mixture and mingling the same with rosin, tallow, turpentine, or any other deceitful thing, to the intent to sell and utter the same, or offer the same to be sold

ſold or uttered for wax, to any perſon or perſons whatſoever, ſhall forfeit and loſe the ſame mingled or corrupted wax: (4) And if the ſame corrupted wax ſhall happen to be ſold before ſuch fault and corruption ſhall be found, that then the ſaid melter, mingler or corrupter, cauſer or procurer thereof, ſhall forfeit for every pound two ſhillings, whereof the one half to the Queen's majeſty, the other half to the party deceived, if he will ſue for it, or any other perſon or perſons that will ſue for the ſame in any of the Queen's majeſty's courts of record.

II. And to the intent that the offenders in theſe kinds of deceit may be the better and ſooner known and found out, be it enacted by the authority aforeſaid, That every melter and maker up of unwrought wax ſhall have for himſelf a ſtamp or mark of the breadth of ſixpence, wherein two letters ſhall be plainly graven, ſignifying his name and ſurname, and with the ſame ſhall ſtamp every piece of wax, to be printed or ſtamped triangle in three places upon the outside of the upper part of every piece ſo melted and caſt, upon the pain to forfeit the value of every piece or cake ſold or offered to be ſold, and not ſo ſtamped or marked.

Every melter of wax ſhall have a mark.

III. And be it further enacted by the authority aforeſaid, That no manner of perſon ne perſons within this realm, or the dominions thereof, ſhall from the ſaid feaſt of *Pentecoſt* melt, mix, work or ſell any manner of wrought wax; ſtuff or wares wrought with wax, as in lights, ſtaff-torches, red wax or ſealing wax, book-candle, ſearing-candle, ſearing of dead corps, links, green wax, red wax, or any other work or thing whatſoever, to be done or wrought with wax to be put to ſale, but with good, whoſome, pure and convenient ſtuff, meet in ſuch wares or work in convenient quantity to be uſed: (2) And that every perſon or perſons that ſhall work to ſell ſuch ſtuff or wares of wax, have a mark, ſtamp or ſeal, to ſet on his or their work by him or them wrought or ſold, to the intent that if any deceit be uſed or done, it may be known who were the workers thereof; (3) and ſuch perſon or perſons as ſhall be found or known to work or ſell, or to ſale put, any ſuch falſe wax or wares wrought with wax to be put to ſale, ſhall forfeit and loſe the ſame corrupted or deceitful wax and wares; the one half to be to the Queen's majeſty, her heirs and ſucceſſors, and the other to the party deceived, if he ſhall ſue for the ſame; or otherwiſe to him or them that will ſue for the ſame by action of debt, bill, plaint or information in any the Queen's majeſty's courts of record wherein no eſſoin, proteccion or wager of law ſhall be allowed.

Wrought wax ſhall be good ſtuff, and marked with a ſtamp or ſeal.

IV. And be it further enacted by the authority aforeſaid, That every perſon and perſons whatſoever, which after the feaſt of *Pentecoſt* next aforeſaid ſhall ſell, or offer to be ſold, any corrupted and falſe mingled wax; ſhall loſe and forfeit the ſaid wax, the one-moiety thereof to be to the Queen's majeſty, and the other to the party deceived, if he ſhall ſue for the ſame; or otherwiſe to him or them that will ſue for the ſame as is aforeſaid: (2) And

The forfeiture of him that will work or ſell wrought wax corrupt, ed.

Veſſels of hony ſhall be

marked with
two letters.

that all barrells, kilderkins and firkins filled with honey by the maker and filler shall be marked with two letters standing for his name and surname, each letter of an inch and an half of length at the least, burnt upon the head of the cask with a hot iron; (3) upon the pain to forfeit six shillings eight-pence for every barrell, kilderkin, firkin or cask, sold or offered to be sold, and not so marked: (4) And that if any person or persons do or shall after the four and twentieth day of *August* next coming after the end of this session of parliament fill and sell, or cause to be filled or sold, or offered to be sold, any barrell, kilderkin or firkin with honey, for or in the name of a barrell, kilderkin or firkin, containing less than two and thirty wine gallons the barrell, sixteen wine gallons the kilderkin, and eight wine gallons the firkin; every person and persons so offending shall forfeit and lose for every half gallon so lacking, five shillings of *English* money: (5) And every person and persons that shall corrupt the honey so sold or to be sold with any deceitful mixture, shall forfeit the barrell or vessel, and honey therein contained; the one moiety whereof to be to our said sovereign lady the Queen's majesty, and the other to him or them that will sue for the same as aforesaid.

The content
of every vessel
for honey to be
sold.

The penalty
for corrupting
of honey.

Persons selling
wax of their
own bees.

V. Provided always, That this act as touching the making of wax shall not extend to any person or persons selling the wax of their own bees in open markets in small pieces, (2) nor to any servant or servants, or other persons mingling or corrupting any wax by commandment of their master or other person having authority over them, so as they will confess the same.

The penalty
for counter-
feiting of
marks, or
marking with
another's
mark.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time hereafter counterfeit any the marks above-mentioned, or shall set to the mark or marks of any other person or persons, without the consent of the same person or persons whose names the said marks shall signify; that every such offender in the premisses shall forfeit for every such default five pounds; (2) the one moiety thereof to be to the Queen's majesty, her heirs and successors, and the other moiety to the party deceived, if he will sue for the same; or otherwise to any other person or persons that shall sue for the same by bill, action or information, in any the Queen's courts of record, wherein no essoin, protection or wager of law shall be admitted or allowed for the defendant: (3) And for non-sufficiency of payment thereof, to be set on the pillory in the next market-town to the place where such offence shall be committed, and to suffer three months imprisonment without bail or mainprize for every offence committed contrary to this article of this present act.

C A P. IX.

An act for abolishing of certain deceitful stuff used in dying of cloth, &c.

WHEREAS of late years there hath been brought into this realm of England from beyond the seas a certain kind of ware or stuff called logwood, alias blackwood, wherewith divers dyers, clothiers,

thiers, hat-makers and others, have and do dye daily divers broad cloths, kerfies, wools, pennestones, bays, cottons, hofe-yarn, hats, caps, flannels, woodmalls, mockadoes, rafhes, buffins, tuft mockadoes and other things: (2) Forasmuch as the colours made with the said stuff called logwood, alias blockwood, is false and deceitful, and the cloths and other things therewith dyed, are not only sold and uttered, to the great deceit of the Queen's loving subjects within this her realm of England, but also beyond the seas, to the great discredit and slander as well of the merchants as of the dyers of this realm:

II. For reformation whereof, be it ordained, enacted and established by the Queen our sovereign lady, and by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all such logwood, alias blockwood, in whose hands soever the same shall be found, after the feast of Saint Michael the archangel next ensuing, shall be forfeited, and openly burned by authority of the mayor or other head officer of the city or town corporate, or of two justices of peace of the county where it shall be found: (2) And that from and after twenty days after the end of this session of parliament no person, of what degree soever he be, shall dye, or cause to be dyed, any cloth, wool, or any other of the premisses above-mentioned, or any other thing whatsoever, with any of the said ware or stuff called logwood, alias blockwood; (3) upon pain that the dyer of every such several thing so dyed shall forfeit the value of the same thing so dyed, the one moiety to the use of the Queen's majesty, her heirs or successors, and the other moiety to him that will sue for the same by action of debt, bill, plaint or information, in any court of record, in which suit no essoin, protection, wager of law nor writ of privilege for the defendant shall be admitted or allowed: (4) And the party offending being thereof convicted, to remain in prison without bail or mainprise till he have satisfied the same value.

Logwood shall be forfeited, openly burned, and no cloth or wool shall be dyed therewith.

Repealed by 13 & 14 Car. 2. c. 11. f. 26.

III. And where clothes, kerfies and hosen, have been dyed with a colour which is commonly called a galled and mathered black, or with a colour commonly called a shoomake and mathered black; which colours, although they carry a shew of a good, true and perfect colour of woaded and mathered black, and of such as do buy the said colours, either in cloth kerfie or hofe, taken so to be, notwithstanding in proof and wearing prove contrary, to the great deceit of the Queen's subjects, and discrediting of the cloth and other things so dyed: For reformation whereof, be it enacted, That no kind of cloth or clothes, kerfies, bays, frifadoes broad or narrow, hosen, or other things being in the nature of cloth, shall from henceforth be mathered for a black, except the same be first grounded with woad only, or with woad and anele, alias blue inde, unless the madder be put in with shoomake or gallis: (3) And that from and after twenty days after the end of this session of parliament, no person of what degree soever he be, shall dye or cause to be dyed any cloth or clothes or other things abovesaid, of what kind or nature soever, mathered for a black, not having a ground of

No cloth shall be mathered for black, unless it be first grounded with woad.

woad

woad only, or of woad and anele, *alias* blue *inde*; unless the madder be put in with shoomake or gallis; (4) upon pain that the dyer of every such several thing so dyed, shall forfeit the value of the same thing so dyed; the one moiety thereof to the use of the Queen's majesty, her heirs or successors, and the other moiety to him that will sue for the same, by action of debt, bill, plaint or information, in any court of record; in which suit no essoin, protection, wager of law, nor writ of privilege for the defendant shall be admitted or allowed; (5) and the party offending being thereof convicted; to remain in prison without bail or mainprise till he have satisfied the same value.

Galled-black,
shoomake-
black, plain-
black.

IV. Provided always, That it shall and may be lawful to dye all manner of galled black, shoomake-black, *alias* plain-black wherein no matter shall be used, as heretofore lawfully hath been done; this act, or any thing therein contained, to the contrary notwithstanding.

A dyer shall
fix a seal of
lead to his
cloth with the
letter M.

V. Provided always, That every dyer that shall after the feast of *Pentecost* next ensuing the end of this session of parliament dye any of the said black clothes, kerfies or frisedoes mathered and not woaded, shall before he deliver any of the same forth of his hands, fix a seal of lead to every of them, in which the letter M signifying mathered shall be contained; (2) upon pain that every dyer offending to the contrary shall forfeit for every yard of the said cloth, kerfies, bays or frisedoes, the sum of three shillings four pence. (3) And that if any person shall sell any cloth, kerfies, bays or frisedoes, mathered and not woaded, after the said feast of *Pentecost*, and shall not first give notice to the buyer thereof, that the same is not woaded, shall forfeit also the double value of all such cloth, kerfies, bays and frisedoes as he shall so sell: (4) Which forfeitures shall be to the party that shall sue for the same in any court of record, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall lie. 24 H. 8. c. 2. 39 *El. c. 11.*

CAP. X.

An act for the preservation of pheasants and partridges.

WHERE the game of pheasants and partridges is within these few years in manner utterly decayed and destroyed in all parts of this realm, by means of such as take them with nets, snares and other engines and devices, as well by day as by night, (2) and also by occasion of such as do use hauking in the beginning of harvest, before the young pheasants and partridges be of any bigness, to the great spoil and hurt of corn and grass then standing and growing in the fields:

II. For reformation thereof, be it enacted, established and ordained by the Queen our sovereign lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no manner of person or persons, of what estate, degree, or condition soever, shall at any time or times, from and after the first day of *April* next ensuing, take, kill or destroy any pheasants or partridges with any manner of nets, snares, gins, engines, rowfing, lowfing

The penalty
for taking or
killing of
pheasants or
partridges in
the night.

lowffing or other devices whatfoever, in the night-time; (2) upon pain of forfeiture for every pheasant fo taken, killed or destroyed, contrary to the true meaning of this act, the fum of twenty fhillings; (3) and for every partridge fo taken, killed or destroyed, the fum of ten fhillings; (4) the which faid penalties and forfeitures, if every perfon or perfons fo offending do not pay within ten days next after his or their conviction, then to have one month's imprifonment without bail or mainprife; (5) and further, over and befides fuch forfeiture or imprifonment, to put in bond with good fureties for the fpace of two years, that he fhall not take, kill or destroy any partridges or pheafants, contrary to the true meaning of this act; (6) the fame bond to be taken by fome juftice of the peace of the county where the faid offence fhall be committed: (7) The one half of all which faid feveral forfeitures to be to the chief lord or lords of the liberties, lordfhips or manors, upon and in which the fame fhall be fo taken, killed or destroyed, and the other moiety to fuch perfon or perfons as will fue for the fame in any of her Majefty's courts of record, by bill, plaint or information; in which fuit no effoin, protection or wager of law fhall be allowed.

Who fhall have the forfeitures, and by what means they fhall be recovered.

III. Provided always, That if fuch perfon to whom the one half of the faid forfeiture is appointed for the taking, killing or destroying of partridges or pheafants, contrary to the tenor and true meaning of this act, fhall difpenfe with, licence or procure any taking, killing or destroying of any partridges or pheafants, contrary to the form of this act; that then all fuch forfeitures and penalties as fuch perfon or perfons fhould have by virtue of this act, fhall be to the poor of the parifh where fuch taking, killing or destroying fhall be committed, and that to be levied or recovered in manner and form aforefaid, by any one of the church-wardens of the parifh where the offences fhall be committed.

IV. And be it likewise further enacted by the authority aforefaid, That no manner of perfon or perfons from and after the faid firft day of *April* fhall hawk, or with his fpaniels hunt, in any ground where corn or other grain fhall then grow, (except it be in his own ground) at fuch time as any eared or codded corn or grain fhall be ftanding and growing upon the fame, nor before fuch time as fuch corn and grain fhall be fhocked, cocked, hilled or copped; (2) upon pain of forfeiture for every time that he fhall fo hawk or hunt as aforefaid, (without the confent of the owner of the corn or grain) to fuch perfon or perfons as fhall be owner of the faid eared or codded corn or grain, forty fhillings, and the fame to be levied or recovered in manner and form aforefaid.

The forfeiture for hawking in eared or codded corn ftanding, or before the corn fhall be fhocked.

V. Provided always, and be it further enacted by the authority aforefaid, That the juftices of affifes in their circuits, and juftices of the peace in every fhire, county and town corporate within this realm, in their feffions, within their feveral limits of their commiffion, and ftewards of leets, liberties and lawdays, with-

What officers may hear and determine the offences aforefaid.

A justice of peace may examine an offender, and bind him to appear at the next sessions.

in their several jurisdictions, shall and may by virtue hereof, hear, enquire and determine of all and every offence or offences which shall be committed within the precinct of their liberties, jurisdictions or franchises against the tenor of this act: (2) And further, That every justice of the peace within every county of this realm, shall within the limits of his commission have power and authority by virtue hereof to examine all offenders in the premises within the county where he is or shall be justice, if so be that the said offence or offences shall not before be heard or determined by the justices of assize in their circuits, or by the stewards of leets, liberties or lawdays within their said several jurisdictions; (3) and also to take bond with good sureties for his and their appearance that shall so offend, to appear at the next general sessions of the peace to be holden within the same county where the same offence shall be committed, to answer the said offence and to pay the penalties, or receive the punishment by this act appointed or limited.

Pheasants or partridges unwillingly taken, and let go again.

VI. Provided always, That this act shall not in any wise extend to lowbellers, trawellers or others, which shall unwillingly happen to take any partridges or pheasants by night under any trammel, lowbel, roadnet or other engine, so as they and every of them do presently loose and let go every pheasant and partridge so taken, and suffer them presently to fly and go at large at the place where they shall happen so to be taken, without willingly killing, or wilfully hurting any such pheasant or partridge so taken in any manner of sort; any thing in this act contained to the contrary notwithstanding. 1 Jac. I. c. 27. 7 Jac. I. c. 11.

CAP. XI.

The county of Glamorgan in South-Wales, and the town of Cardiff therein, standing near unto the river of Toffe, shall jointly proceed together to the re-edifying of the bridge there; viz. the county shall always bestow five parts of the charges, and the town of Cardiff one part; and so for every five pounds payable by the county, the town of Cardiff and liberties shall stand charged with twenty shillings; and so from time to time for the maintaining of the said bridge, shall defray all such charges as shall be necessary in like proportion. Repealed by 1 Annæ, stat. 1. c. 18. f. 10.

CAP. XII.

An addition to the statute of 13 El. c. 23. touching the paving of a street without Algate, in the suburbs of London, leading to the Queen's storehouse of the Minorities towards the Tower of London, and other places near thereunto. Every person that hath lands adjoining to the north-side of Hog-lane, shall scour and keep scoured and cleaned the ditch there against the said lands, upon pain to forfeit to the Queen six shillings and eight pence for every rod not cleaned.

CAP. XIII.

A continuance for two years of certain statutes (not in print,) made anno 5; 8 & 14 Eliz. touching the innings and fencing of Earith, Lyfnes and Plumsted marsh in the county of Kent; and some further benefits granted to the inners. 27 Eliz. c. 27. 4 Jac. I. c. 8.

CAP. XIV.

A confirmation of a subsidy of six shillings and eight pence in the pound, granted to the Queen by the clergy, to be paid in three years. EXP.

CAP. XV.

A grant of a subsidy and two fifteens to the Queen by the temporality. EXP.

CAP. XVI.

A confirmation of the Queen's general and free pardon. Except, &c. EXP.

Anno vicefimo feptimo Regina Elizabethæ.

AT the parliament begun and holden at Westminster the three and twentieth day of November in the seven and twentieth year of the reign of our gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued until the nine and twentieth day of March following; To the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP. I.

Four and twenty persons at the least, whereof part of the Queen's privy council, and the residue being peers of the realm, by the Queen's commission shall examine the offences of such as shall make any open invasion or rebellion within this realm, or attempt hurt to the Queen's person, by or for any pretending title to the crown; who after judgment given and published by proclamation, shall be disabled to have or pretend title to the crown: And thereupon every person shall be pursued to death by all the Queen's subjects, by whom or whose means, assent or privy, any such rebellion shall be denounced to be made, or other thing attempted, compassed or imagined against the Queen's person. If any act shall be executed; whereby the Queen's life shall be shortned, the offenders shall be prosecuted to death, and disabled to pretend title to the crown: The meaning of the association was to the effect aforesaid. EXP.

CAP. II.

An act against jesuits, seminary priests, and other such like disobedient persons.

WHERE divers persons called or professed jesuits, seminary priests and other priests, which have been, and from time to time are made in the parts beyond the seas, by or according to the order and rites of the Romish church, have of late years comen and been sent, and daily do come and are sent, into this realm of England and other the Queen's majesty's dominions, (2) of purpose (as it hath appeared, as well by sundry of their own examinations and confessions, as by divers other manifest means and proofs) not only to withdraw her Highness subjects from their due obedience to her Majesty, but also to stir up and move sedition, rebellion and open hostility within the same her Highness realms and dominions, (3) to the great endangering of the safety of her most royal person, and to the utter ruin, desolation and overthrow of the whole realm, if the same be not the sooner by some good means foreseen and prevented:

Jesuits and priests in England shall depart, and none shall come into this realm. The penalty for relieving of them, &c.

The causes why jesuits and priests do come into this realm.

II. For reformation whereof be it ordained, established and enacted by the Queen's most excellent majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same parliament, That all and every jesuits, seminary priests, and other priests whatsoever made or ordained out of the realm of England or other her Highness dominions, or within any of her Majesty's realms

All jesuits and priests shall depart forth of the realm.

Poph. 93.

or

or dominions, by any authority, power or jurisdiction derived, challenged or pretended from the fee of *Rome*, ſince the feaft of the nativity of *St. John Baptiſt* in the firſt year of her Highneſs reign, ſhall within forty days next after the end of this preſent ſeſſion of parliament depart out of this realm of *England*, and out of all other her Highneſs realms and dominions, if the wind, weather and paſſage ſhall ſerve for the ſame, or elſe ſo ſoon after the end of the ſaid forty days as the wind, weather and paſſage ſhall ſo ſerve.

No jeſuits or prieſts ſhall come into, or remain in this realm.

III. And be it further enacted by the authority aforeſaid, That it ſhall not be lawful to or for any jeſuit, ſeminary prieſt, or other ſuch prieſt, deacon, or religious or eccleſiaſtical perſon whatſoever, being born within this realm, or any other her Highneſs dominions, and heretofore ſince the ſaid feaſt of the nativity of *St. John Baptiſt*, in the firſt year of her Majeſty's reign, made, ordained or profeſſed, or hereafter to be made, ordained or profeſſed, by any authority or jurisdiction derived, challenged or pretended from the ſee of *Rome*, By or of what name, title or degree ſoever the ſame ſhall be called or known, to come into, be or remain in any part of this realm, or any other her Highneſs dominions, after the end of the ſame forty days, other than in ſuch ſpecial caſes, and upon ſuch ſpecial occaſions only, and for ſuch time only, as is expreſſed in this act; and if he do, that then every ſuch offence ſhall be taken and adjudged to be high treaſon; and every perſon ſo offending ſhall for his offence be adjudged a traitor, and ſhall ſuffer, loſe and forfeit, as in caſe of high treaſon.

Receiving or relieving a jeſuit or prieſt ſhall be felony.

IV. And every perſon which after the end of the ſame forty days, and after ſuch time of departure as is before limited and appointed, ſhall wittingly and willingly receive, relieve, comfort, aid or maintain any ſuch jeſuit, ſeminary prieſt or other prieſt, deacon or religious or eccleſiaſtical perſon, as is aforeſaid, being at liberty, or out of hold, knowing him to be a jeſuit, ſeminary prieſt or other ſuch prieſt, deacon, or religious or eccleſiaſtical perſon, as is aforeſaid, ſhall alſo for ſuch offence be adjudged a felon, without benefit of clergy; and ſuffer death, loſe and forfeit, as in caſe of one attainted of felony.

They who be in ſeminaries ſhall after proclamation return and take the oath.

V. And be it further enacted by the authority aforeſaid, If any of her Majeſty's ſubjects (not being a jeſuit, a ſeminary prieſt, or other ſuch prieſt, deacon, or religious or eccleſiaſtical perſon, as is before-mentioned) now being, or which hereafter ſhall be of, or brought up in, any college of jeſuits, or ſeminary already erected and ordained; or hereafter to be erected or ordained, in the parts beyond the ſea, or out of this realm in any foreign parts ſhall not within ſix months next after proclamation in that behalf to be made in the city of *London*, under the great ſeal of *England*, return into this realm, and thereupon within two days next after ſuch return, before the biſhop of the dioceſe, or two juſtices of peace of the county where he ſhall arrive, ſubmit himſelf to her Majeſty and her laws, and take the oath ſet forth by act in the firſt year of her reign; that then every ſuch perſon

son which shall otherwise return, come into, or be in this realm or any other her Highness dominions, for such offence of returning or being in this realm or any other her Highness dominions, without submission, as aforesaid, shall also be adjudged a traitor, and suffer, lose and forfeit, as in case of high treason.

VI. And be it further enacted by the authority aforesaid, If any person under her Majesty's subjection or obedience shall at any time after the end of the said forty days, by way of exchange, or by any other shift, way or means whatsoever, wittingly and willingly, either directly or indirectly, convey, deliver or send, or cause or procure to be conveyed or delivered, to be sent over the seas, or out of this realm, or out of any other her Majesty's dominions or territories, into any foreign parts, (2) or shall wittingly or willingly yield, give or contribute any money or other relief to or for any jesuit, seminary priest, or such other priest, deacon, or religious or ecclesiastical person, as is aforesaid; (3) or to or for the maintenance or relief of any college of jesuits, or seminary already erected or ordained, or hereafter to be erected or ordained, in any the parts beyond the seas, or out of this realm in any foreign parts, or of any person then being of or in any the same colleges or seminaries, and not returned into this realm with submission, as in this act is expressed, and continuing in the same realm: (5) That then every such person so offending, for the same offence shall incur the danger and penalty of a *præmunire*, mentioned in the statute of *præmunire*, made in the sixteenth year of the reign of King Richard: 16 R. 2. c. 5. the Second.

Sending relief to any jesuit, priest or other person abiding in a seminary.

VII. And be it further enacted by the authority aforesaid; That it shall not be lawful for any person of or under her Highness obedience, at any time after the said forty days, during her Majesty's life (which God long preserve) to send his or her child, or other person, being under his or her government, into any the parts beyond the seas out of her Highness obedience, without the special licence of her Majesty, or of four of her Highness privy council, under their hands in that behalf first had or obtained (except merchants, for such only as they or any of them shall send over the seas only for or about his, her or their trade of merchandize, or to serve as mariners, and not otherwise) upon pain to forfeit and lose for every such their offence the sum of one hundred pounds.

None shall send his child or other beyond the seas without licence. EXP. 3 Jac. 1. c. 5.

VIII. And be it also enacted by the authority aforesaid, That every offence to be committed or done against the tenor of this act shall and may be inquired of, heard and determined, as well in the court commonly called the King's bench in the county where the same court shall for the time be, as also in any other county within this realm, or any other her Highness dominions where the offence is or shall be committed, or where the offender shall be apprehended and taken.

Where the offences committed against this act shall be inquired of and determined.

IX. Provided also, and be it enacted by the authority aforesaid, That it shall and may be lawful for and to every owner and master of any ship, bark or boat, at any time within the said

Transporting of jesuits, priests, &c.

faid forty days, or other time before limited for their departure, to transport into any the parts beyond the feas any fuch jefuit, feminary prieft, or other prieft aforefaid, fo as the fame jefuit, feminary prieft, or other prieft aforefaid fo to be transported, do deliver unto the mayor or other chief officer of the town, port or place, where he fhall be taken in to be transported, his name, and in what place he received fuch order, and how long he hath remained in this realm, or in any other her Highnefs dominions, being under her obedience.

A jefuit or prieft fubmitting himfelf, and taking the oath, and obeying the laws.

X. Provided alfo, That this act, or any thing therein contained, fhall not in any wife extend to any fuch jefuit, feminary prieft, or other fuch prieft, deacon, or religious or ecclefiaftical perfon as is before-mentioned, as fhall at any time within the faid forty days, or within three days after that he fhall hereafter come into this realm, or any other her Highnefs dominions, fubmit himfelf to fome archbifhop or bifhop of this realm, or to fome juftice of peace within the county where he fhall arrive or land, and do thereupon truly and fincerely, before the fame archbifhop, bifhop, or fuch juftice of peace, take the faid oath fet forth in *anno primo*, and by writing under his hand confels and acknowledge, and from thenceforth continue, his due obedience unto her Highnefs laws, ftatutes and ordinances, made and provided or to be made or provided in caufes of religion.

2 El. 1. c. 1.

XI. Provided always, if it happen at any time hereafter any peer of this realm to be indicted of any offence made treason, felony or *præmunire*, by this act, that he fhall have his trial by his peers, as in other cafes of treason, felony or *præmunire*, is accuftomed.

XII. Provided nevertheless, and it is declared by authority aforefaid, That if any fuch jefuit, feminary prieft, or other prieft aforefaid, fhall fortune to be fo weak or infirm of body, that he or they may not pafs out of this realm by the time herein limited without imminent danger of life, and this understood as well by the corporal oath of the party as by other good means, unto the bifhop of the diocefe and two juftices of peace of the fame county where fuch perfon or perfons do dwell or abide; that then, and upon good and fufficient bond of the perfon or perfons, with fureties, of the fum of two hundred pounds at the leaft, with condition that he or they fhall be of good behaviour towards our fovereign lady the Queen and all her liege people, then he or they fo licenced and doing as is aforefaid, fhall and may remain and be ftill within this realm, without any lofs or danger to fall on him or them by this act, for fo long time as by the fame bifhop and juftices fhall be limited and appointed, fo as the fame time of abode exceed not the fpace of fix months at the moft: (2) And that no perfon or perfons fhall fustain any lofs, or incur any danger by this act, for the receiving or maintaining of any fuch perfon or perfons fo licenced as is aforefaid, for and during fuch time only as fuch perfon or perfons fhall be fo licenced to tarry

tarry within this realm; any thing contained in this act to the contrary notwithstanding.

XIII. And be it also further enacted by authority aforesaid, That every person or persons, being subjects of this realm, which after the said forty days shall know and understand that any such jesuit, seminary priest, or other priest aforesaid, shall abide, stay, tarry or be within this realm or other the Queen's dominions and countries, contrary to the true meaning of this act, and shall not discover the same unto some justice of peace or other higher officer, within twelve days next after his said knowledge, but willingly conceal his knowledge therein; That every such offender shall make fine, and be imprisoned at the Queen's pleasure: (2) and that if such justice of peace, or other such officer to whom such matter shall be so discovered, do not within eight and twenty days then next following give information thereof to some of the Queen's privy council, or to the president or vice-president of the Queen's council established in the north, or in the marches of *Wales*, for the time being; That then he or they so offending shall for every such offence forfeit the sum of two hundred marks.

One knowing a jesuit or priest to remain in the realm, and not discovering it to a justice of peace.

Skinner 369.

XIV. And be it likewise enacted by the authority aforesaid, That such of the privy council, president or vice-president, to whom such information shall be made, shall thereupon deliver a note in writing, subscribed with his own hand, to the party by whom he shall receive such information, testifying that such information was made unto him.

XV. And be it also enacted, That all such oaths, bonds and submissions, as shall be made by force of this act, as aforesaid, shall be certified into the chancery by such parties before whom the same shall be made, within three months next after such submission; (2) upon pain to forfeit and lose for every such offence one hundred pounds of lawful *English* money; the said forfeiture to be to the Queen, her heirs and successors:

All oaths, bonds and submissions certified into the chancery.

XVI. And that if any person so submitting himself, as aforesaid, do at any time within the space of ten years after such submission made, come within ten miles of such place where her Majesty shall be, without especial licence from her Majesty in that behalf to be obtained in writing under her hand; That then and from thenceforth such person shall take no benefit of his said submission, but that the same submission shall be void as if the same had never been. 1 Jac. I. c. 4. 3 Jac. I. c. 5.

None submitting himself shall come within ten miles of the Queen.

CAP. III.

An act for the explanation of an act made in the thirteenth year of the Queen's majesty's reign, intituled, An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.

WHERE in the parliament holden at Westminster the second day of April in the thirteenth year of the reign of our sovereign lady Queen Elizabeth, there was amongst other things an act made,

A question arising upon the exposition of the statute of the 13 El. c. 4.

made, intituled, An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to pay their debts; (2) upon which act some doubt and question hath been moved, whether the Queen's highness, her heirs and successors, might for the satisfaction of her and their debts and farms, by her or their letters patents under the great seal of England, make sale of any the lands, tenements and hereditaments, whereof her Highness, her heirs and successors, have power or authority to make sale by virtue of the same act, after the death of such accountant or debtor as is mentioned in the said act, or where the account of such accountant or debtor was not or is not made, or his or their debt known in the life-time of the same accountant or debtor :

Sale of the
accountant's
lands after his
death.

II. For declaration and explaining whereof, be it declared and enacted by the authority of this present parliament, That the said act, in every part thereof, touching the power given by that recited act unto her Highness, her heirs and successors, to make sale of any the lands, tenements or hereditaments by the same act limited to be sold, is, shall and ought to be expounded and intended, as well in case where the sale is to be made after the death of such accountant or debtor, as where it is to be made in his or their life-time; (3) and also as well in case where the account is made, or the debt known within eight years after the death of such accountant or debtor, as where the same account is made, or the debt known in the life-time of the same accountant or debtor; any ambiguity or question that hath risen or grown, or may arise, grow or be conceived, upon the letter of the same act to the contrary thereof in any wise notwithstanding.

The accom-
pant's debt
known within
eight years af-
ter his death.

Process a-
gainst the ac-
countant's
heir before
the sale of his
lands.

III. Provided always, and be it enacted by the authority aforesaid, That after the death of such accountant and debtor, as is mentioned in the said recited act, and before such time as any the lands, tenements and hereditaments, descended unto the heir of such accountant or debtor as heir unto the same accountant or debtor, shall be sold as aforesaid, a *scire facias* shall be awarded out of her Majesty's court of exchequer unto the sheriff of the county where any such lands do lie, to garnish the same heir, to shew cause why the same lands, tenements and hereditaments so to him descended as aforesaid, should not be put to sale for satisfaction of the same debts or farms in the same act mentioned, according to the tenor of the said act; whereupon if the heir do not within a convenient time upon a garnishment or two *nichils* returned, shew and prove unto the said court, that the executors or administrators of such accountant or debtor have sufficient, which ought to answer or be liable for the same debt or farm, and whereby the said debt or farm shall and may be duly and fully satisfied; That then after ten months next after such two *nichils*, or garnishment returned, the same lands, tenements and hereditaments shall be sold by her Majesty, her heirs or successors, and the money thereof coming disposed according to the true intent and meaning of the said former recited act.

IV. And

IV. And be it further enacted by the authority aforesaid, That the said recited act, and this statute of explanation also, as touching only the sale of any lands, tenements or hereditaments, to be made after the death of such accountant or debtor as is aforesaid, shall not extend to any lands, tenements or hereditaments, which any person or persons not being privy or consenting unto any such intent to defraud the Queen's majesty, her heirs or successors, as in the said recited act is mentioned, now have or enjoy, or have purchased or obtained, or before any *Scire facias* so to be awarded as aforesaid, shall have or enjoy, purchase or obtain *bona fide* and upon good consideration; any thing in this act, or in the before-mentioned act to the contrary thereof in any wise notwithstanding.

The heir's sale good to him who is not consenting to defraud the Queen.
13 El. c. 4.

V. Provided always, and be it enacted, That this act of explanation shall extend only unto such as have been or shall be tellers, receivers, treasurers, customers, cofferers of the household, farmers of impost, collectors, bailiffs, victuallers, and other officers of receipts and accounts unto our sovereign lady the Queen's majesty, her heirs and successors, and to every of them, their heirs, executors and administrators, and to no other.

To what accomptants this statute of explanation shall extend.

VI. Provided also, and be it further enacted by the authority aforesaid, That in such cases where any account shall or ought to be made, or any debts shall be owing in the courts of the duchy of *Lancaster*, and wards and liveries, or in any of them, then after the death of such accountant or debtor as is mentioned in the said former act, in any of the said last mentioned courts, and before such time as any of the lands, tenements or hereditaments, descended unto the heir of such accountant or debtor as heir unto the same accountant or debtor, shall be sold as aforesaid, such process shall be awarded, as hereafter is expressed; that is to wit, first a privy seal, commanding the same heir to make personal appearance in the court out of which the same privy seal shall be awarded, to shew cause, as in the writ of *Scire facias* to be awarded out of the exchequer is before appointed: (2) and if the same heir shall make default at the day of the return of the same privy seal, That then upon the affidavit made, that the same privy seal was duly served, either upon the person of the same heir, or left at the place of his or her dwelling or most usual abode, an attachment with proclamation shall be awarded against the same heir, and shall be openly published and proclaimed in some market-town in the county where the same heir was last dwelling, or made his or her usual abode, upon some market day there in the time of open market, twenty days at the least before the return thereof: (3) and if upon return thereof the said heir shall estoons make default, that then all things shall be done and executed for the sale of the same lands, tenements and hereditaments, and for the full satisfaction of the same debt or farm, in like and as large and ample manner and form, to all intents and purposes, as before in this act is limited and appointed in cases where default is

Process against the heir where the debt groweth in the court of wards or duchy.

made upon a garnifhment or two *nichils* returned upon a *Scire facias* awarded out of the faid court of exchequer.

No fale of the heir's lands during his minority.

VII. Provided alfo, and be it likewise enacted, That if the heir of any accountant or debtor before-mentioned, fhall happen to be within the age of one and twenty years when any fuch procefs fhall fortune to be awarded, that then during the time of his or her non-age, this act or any thing therein contained fhall not in any wife be extended, executed or put in ure, as touching or concerning only the felling of the lands, tenements or hereditaments of any fuch heir; any thing in the fame act contained to the contrary in any wife notwithstanding: (2) and yet nevertheless, after fuch time as any fuch heir fhall accomplish the full age of twenty-one years, all and fingular the lands, tenements and hereditaments defcended unto the fame heir from any fuch debtor or accountant as aforefaid, fhall at all times during the fpace of eight years then next enfuing, be fubject and liable to be fold for the payment and fatisfaction of her Majesty, her heirs and fucceffors, according to the intent and true meaning of this act, in fuch manner and form to all intents and purpofes, as if the fame heir had been of full age at the time of the death of fuch debtor or accountant.

The heir's lands liable to fale eight years after he fhall accomplish his full age.

No fale of lands where the accountant hath a *quietus est*.

VIII. Provided always, and be it enacted, That this act, or any thing therein contained, fhall not extend to the fale of the lands, tenements or hereditaments of any fuch heir or heirs, for or by reafon of any account, debt or farm, whereof any fuch debtor or accountant have or fhall have a *quietus est*, or difcharge in his or their life-time. 39 *El. c. 7. revived by 1 Jac. 1. c. 25. f. 31.*

C A P. IV.

An act againft covinous and fraudulent conveyances.

23 *El. c. 5.*

FORASMUCH as not only the Queen's moft excellent majefty, but alfo divers of her Highnefs good and loving fubjects, and bodies politick and corporate, after conveyances obtained, or to be obtained, and purchafes made or to be made, of lands, tenements, leffes, eftates and hereditaments, for money or other good confiderations, may have, incur and receive great lofs and prejudice by reafon of fraudulent and covinous conveyances, eftates, gifts, grants, charges and imitations of ufes heretofore made or hereafter to be made, of, in or out of lands, tenements or hereditaments fo purchafed or to be purchafed: (2) which faid gifts, grants, charges, eftates, ufes and conveyances were, or hereafter fhall be, meant and intended by the parties that fo make the fame to be fraudulent and covinous, of purpofe and intent to deceive fuch as have purchafed or fhall purchafe the fame; (3) or elfe by the fecret intent of the parties the fame be to their own proper ufe, and at their free difpofition, (4) coloured nevertheless by a fained countenance and fhew of words and fentences, as though the fame were made bona fide, for good caufes, and upon juft and lawful confiderations:

II. For remedy of which inconveniencies, and for the avoiding of fuch fraudulent, fained and covinous conveyances, gifts, grants,

grants, charges, uses and estates, and for the maintenance of upright and just dealing in the purchasing of lands, tenements and hereditaments; (2) be it ordained and enacted by the authority of this present parliament, That all and every conveyance, grant, charge, lease, estate, incumbrance and limitation of use or uses, of, in or out of any lands, tenements or other hereditaments whatsoever, had or made any time heretofore sithence the beginning of the Queen's majesty's reign that now is, or at any time hereafter to be had or made, for the intent and of purpose to defraud and deceive such person or persons, bodies politick, or corporate, as have purchased or shall afterwards purchase in fee-simple, fee-tail, for life, lives or years, the same lands, tenements and hereditaments, or any part or parcel thereof, so formerly conveyed, granted, leased, charged, incumbered or limited in use, (3) or to defraud and deceive such as have or shall purchase any rent, profit or commodity in or out of the same, or any part thereof, (4) shall be deemed and taken only as against that person and persons, bodies politick and corporate, his and their heirs, successors, executors, administrators and assigns, and against all and every other person and persons lawfully having or claiming by, from or under them, or any of them, which have purchased or shall hereafter so purchase for money or other good consideration, the same lands, tenements or hereditaments, or any part or parcel thereof, or any rent, profit or commodity in or out of the same, to be utterly void, frustrate and of none effect; (5) any pretence, colour, fained consideration, or expressing of any use or uses to the contrary notwithstanding.

Fraudulent conveyances made to deceive purchasers shall be void.
 Moor 60a.
 pl. 833, 615.
 pl. 843.
 1 Roll. 167.
 Lane 47.
 Bridgm. 22.
 Goldsb. 8.
 pl. 11.
 3 Co. 80.
 5 Co. 60.
 6 Co. 72.
 11 Co. 74.
 Cro. El. 44.
 Cro. Jac. 158.
 Co. Entr. 677.

Hob. 166.

III. And be it further enacted by the authority aforesaid, That all and every the parties to such fained, covinous and fraudulent gifts, grants, leases, charges or conveyances before expressed, or being privy and knowing of the same or any of them, which after the twentieth day of *April* next coming shall wittingly and willingly put in ure, avow, maintain, justify or defend the same or any of them, as true, simple, and done, had or made, *bona fide*, or upon good consideration, to the disturbance or hindrance of the said purchaser or purchasers, lessees or grantees, or of or to the disturbance or hindrance of their heirs, successors, executors, administrators or assigns, or such as have or shall lawfully claim any thing by, from or under them, or any of them shall incur the penalty and forfeiture of one year's value of the said lands, tenements and hereditaments so purchased or charged; (2) the one moiety whereof to be to the Queen's majesty, her heirs and successors, and the other moiety to the party or parties grieved by such fained and fraudulent gift, grant, lease, conveyance, incumbrance or limitation of use, to be recovered in any of the Queen's courts of record, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be admitted for the defendant or defendants; (3) and also being thereof lawfully convicted, shall suffer imprisonment for one half year without bail or mainprize,

The penalty of the parties to fraudulent conveyances, who do avow the same.

Conveyances
made upon
good confide-
rations, and
bona fide.
Goldfb. 118.
pl. 2.
2. Roll. 305.
3 Co. 83.

Lands firft
conveyed
with condition
of revocation,
or alteration,
and after fold
for money or
other good
confideration.
Cro. Jac. 180.

IV. Provided alfo, and be it enacted by the authority afore-
faid, That this act or any thing therein contained fhall not ex-
tend or be conftrued to impeach, defeat, make void or frustrate
any conveyance, affignment of leafe, affurance, grant, charge,
leafe, eftate, intereft or limitation of ufe or ufes, of, in, to or
out of any lands, tenements or hereditaments heretofore at any
time had or made, or hereafter to be had or made, upon or for
good confideration and *bona fide*, to any perfon or perfons, bodies
politick or corporate; any thing before-mentioned to the con-
trary hereof notwithstanding.

V. And be it further enacted by the authority aforefaid, That
if any perfon or perfons have heretofore fithence the beginning
of the Queen's majesty's reign that now is, made or hereafter
fhall make any conveyance, gift, grant, demife, charge, limi-
tation of ufe or ufes, or affurance of, in or out of any lands,
tenements or hereditaments, with any clause, provision, article
or condition of revocation, determination or alteration, at his
or their will or pleasure, of fuch conveyance, affurance, grants,
limitations of ufes or eftates of, in or out of the faid lands, tenements
or hereditaments, or of, in or out of any part or parcel
of them, contained or mentioned in any writing, deed or in-
denture of fuch affurance, conveyance, grant or gift; (2) and
after fuch conveyance, grant, gift, demife, charge, limitation of
ufes or affurance fo made or had, fhall or do bargain, fell, de-
mife, grant, convey or charge, the fame lands, tenements or
hereditaments, or any part or parcel thereof; to any perfon or
perfons, bodies politick and corporate, for money or other good
confideration paid or given (the faid firft conveyance, affurance,
gift, grant, demife, charge or limitation, not by him or them
revoked, made void or altered, according to the power and
authority referved or expreffed unto him or them in and by the
faid fecret conveyance, affurance, gift or grant,) (3) That then
the faid former conveyance, affurance, gift, demife and grant,
as touching the faid lands, tenements and hereditaments, fo
after bargained, fold, conveyed, demifed or charged, againft the
faid bargainees, vendees, leffees, grantees and every of them,
their heirs, fucceffors, executors, administrators and affigns, and
againft all and every perfon and perfons which have, fhall or
may lawfully claim any thing, by, from or under them or any
of them, fhall be deemed, taken and adjudged to be void,
frustrate, and of none effect, by virtue and force of this prefent
act.

Mortgages
lawfully
made.

VI. Provided neverthelefs, That no lawful mortgage made
or to be made *bona fide*, and without fraud or covin, upon good
confideration, fhall be impeached or impaired by force of this
act, but fhall ftand in the like force and effect as the fame fhould
have done if this act had never been had nor made; any thing
in this act to the contrary in any wife notwithstanding.

ftatute mer-
chant, &c.
fhall be en-

VII. And be it further enacted by the authority aforefaid,
That all the whole tenor and contents of all ftatutes merchant
and ftatutes of the ftaple, hereafter to be knowledged, fhall
within

within fix months next after fuch knowledging, be entred in the office of the clerk of recognizances, taken according to the statute made in the three and twentieth year of the reign of the late King *Henry* the Eighth, by the fhewing forth of the faid statute merchant or statute staple fo knowledged unto the faid clerk; (2) which faid clerk of the recognizances fhall enter, or caufed to be entered, the fame statutes into a book for that purpofe to be provided and fafely kept by him, taking eight pence and no more, for every fuch entry.

tered in the office of the clerk of recognizances.
23 H. 8. c. 6.

VIII. And be it further enacted, That if the party to whom any fuch statute merchant or of the staple fhall be knowledged, his executors or administrators, do or fhall not within four months next after the knowledging of any fuch statute, bring and deliver, or caufe to be brought and delivered, unto the faid clerk, or his deputy or deputies for the time being, all and every fuch statute and statutes as fhall be fo knowledged to him or to his ufe, whereby and to the intent that the faid clerk, his deputy or deputies, may take and enter a true copy thereof; That then every fuch statute merchant and of the staple not fo entred fhall be void, frustrate and of none effect, againft all and every fuch perfon and perfons, and bodies politick and corporate, their heirs, fucceffors, executors, administrators and affigns only, as fhall after the knowledging of the faid statutes or any of them purchafe for money or other good confideration, the lands, tenements or hereditaments which were liable to the fame statute merchant or of the staple, or any part or parcel thereof, or any rent, leafe or profit of or out of the fame.

The statute not entered, void againft the purchafer.

IX. And if the faid clerk, or his deputy or deputies for the time being, fhall not upon fuch fhewing and delivery unto him or them of any statute merchant or of the staple, enter or caufe to be entered the fame in his faid book within the faid time of fix months, and alfo endorfe upon every fuch statute fo by him entred, the day and year of his faid entry, with his or their own name; That then every fuch clerk failing or defective in that behalf, fhall forfeit and lofe for every statute merchant and of the staple fo brought unto him or them, and not entred and endorfed, or caufed to be entred and endorfed as aforefaid, the fum of twenty pounds; (2) the one moiety whereof to be to the Queen's majesty, her heirs and fucceffors, and the other moiety to him or them that will fue for the fame in any of the Queen's courts of record, by action of debt, bill, plaint or information, wherein no effoin, protection or wager of law fhall be allowed.

The forfeiture of the clerk not entering, or not endorffing a statute,

X. And be it further enacted by the authority aforefaid, That no clerk of the faid recognizances fhall or may take, for or in refpect of any fearch to be made for or concerning any statute merchant or of the staple fo to be entred as aforefaid, above two pence for one year's fearch, and fo after the rate of two pence for every year and not above, (2) upon pain to forfeit and lofe to the party or parties grieved thereby, twenty times as much as he fhall take contrary to the true meaning of this act,

Clerk of the recognizances fees to fearch,

to be recovered in any of the Queen's majesty's courts of record, by action of debt, bill, plaint or information, wherein no protection or wager of law shall be allowed. (3) this act to continue for the space of ten years, and from thenceforth unto the end of the parliament then next following.

Assurance of lands defeated, and the party in possession at the time of the statute.

XI. Provided always, That this act, nor any thing therein contained, shall extend or be construed to make good any purchase, grant, lease, charge or profit, of, in or out of any lands, tenements or hereditaments heretofore made void, defeated or undone, by reason of any former conveyance, grant or assurance, so as the party or parties or their heirs or assigns, which have so defeated or made void the same, were in actual possession the first day of this present parliament, of or in the said lands, tenements or hereditaments, whereof or out of which any such purchase, grant, lease, charge or profit was made.

The authority of the court of star-chamber.

XII. Provided that this act, nor any thing therein contained, shall extend in any sort to restrain or impair the jurisdiction, power or authority of the court of star-chamber. *Made perpetual by 39 El. c. 18. s. 32.*

C A P. V.

An act for furtherance of justice, in case of demurrer and pleadings.

Enforced by
4 Anne, c. 16.
After demurrer joined and entered, judgment shall be given, notwithstanding any defect in process or pleading.
What defects in form shall be amended by the court, and what not.
1 Leonard 44, 80, 193, 238.
1 Anderf. 168, 172.
The party demurring shall set down the causes.
1 Leon. 311.
Hob. 232.
Hutt. 15.
Moor 885.
1 Koll. 112.
The court may amend defects of form after

FORASMUCH as excessive charges and expences, and great delay and hindrance of justice hath grown in actions and suits between the subjects of this realm, by reason that upon some small mistaking or want of form in pleading, judgments are often reversed by writs of error, and oftentimes upon demurrers in law given otherwise than the matter in law and very right of the cause doth require, whereby the parties are constrained either utterly to lose their right, or else after long time and great trouble and expences, to renew again their suits: (2) for remedy whereof, be it enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from henceforth, after demurrer joined and entered in any action or suit in any court of record within this realm, the judges shall proceed and give judgment according as the very right of the cause and matter in law shall appear unto them, without regarding any imperfection, defect or want of form in any writ, return, plaint, declaration or other pleading, process or course of proceeding whatsoever, except those only which the party demurring shall specially and particularly set down and express together with his demurrer; (3) and that no judgment to be given shall be reversed by any writ of error, for any such imperfection, defect or want of form as is aforesaid, except such only as is before excepted.

II. And be it further enacted, That after demurrers joined and entered, the court where the same shall be, shall and may by

Golsb. 35. pl. 10. Savil 78, 87. Cro El. 232, 233, 588. Hob. 232. 10 Co. 88.

by virtue of this act from time to time amend all and every fuch demurrer imperfections, defects and wants of form as is before mentioned, other than thofe only which the party demurring fhall fpecially and particularly exprefs and fet down together with his demurrer as is aforefaid.

III. Provided always, and be it further enacted by the authority aforefaid, That this act, or any thing therein contained, fhall not extend to any writ, declaration or fuit of appeal of felony or murder, (2) nor to any indictment or prefentment of felony, murder, treason or other matter, nor to any procefs upon any of them, (3) nor to any writ, bill, action or information upon any popular or penal ftatute; any thing aforefaid to the contrary notwithstanding. *This act extended to writs of mandamus, &c. by 9 Annæ, c. 20. f. 7.*

Appeal, indictment and prefentment of felony, murder, treason.

CAP. VI.

An act for returning of fufficient jurors, and for better expedition of trials.

FOR the returning of more able and more fufficient jurors for trials to be hereafter had between party and party, and for reformation of abufes in fheriffs and other minifters, who for reward oftentimes do fpare at home the moft able and fufficient freeholders, and return the poorer and fimpler fort, leaft able to difcern the caufes in queftion, and moft unable to bear the charges of appearance and attendances in fuch cafes; (2) be it ordained and enacted by authority of this prefent parliament, That in all cafes where any jurors to be returned for trial of any iffue or iffues joined in any of the Queen's majefty's courts of King's bench, common pleas and the exchequer, or before juftices of affife, by the laws of this realm now in force, ought to have eftate of freehold in lands, tenements or hereditaments, of the clear yearly value of forty fhillings, that in every fuch cafe the jurors that fhall be returned from and after the end of this prefent feffion of parliament, fhall every of them have eftate of freehold in lands, tenements or hereditaments, to the clear yearly value of four pounds at the leaft; (3) and that the writs of *venire facias*, which from and after the end of this prefent feffion of parliament fhall be awarded and directed for the impanelling of juries in the cafes aforefaid, fhall be in this form, *Regina, &c. præcipimus, &c. quod venire facias coram, &c. duodecim liberos & legales homines de vicineto de B. quorum quilibet habeat quatuor libras terræ, tenementorum vel reddituum per annum ad minus, per quos rei veritas melius fciri poterit, & qui nec, &c.* and fo forth, the refidue of the faid writ after the antient form; (4) and that upon every fuch writ and writs of *venire facias*, the fheriff or other minifters unto whom the making of the panel fhall appertain, fhall not return in any fuch panel any perfon, unlefs he may difpend four pounds by the year at the leaft of freehold, out of antient demefne, within the county where the iffue is to be tried; (5) upon pain to forfeit for every perfon being returned

What jurors and iffues fhall be returned; how the fheriff fhall be punished for returning one fummoned that is not, or for taking reward to fpare any, &c.
Godbolt 34.
Palmer 386.
2 Roll. 331,
367, 395:

Venire facias.
Where each juror muft difpend 4 l. of freehold.
1 Leon. 55.
Cro. El. 257.
413.

ed in any such panel, that cannot dispend four pounds freehold as is aforesaid, twenty shillings.

Issues returned upon jurors.

II. And further be it enacted by the authority aforesaid, That upon every first writ of *habeas corpora*, or *distingas* with a *nisi prius*, delivered of record to the sheriff, or other minister or ministers to whom the making of the return shall appertain, shall from and after the twentieth day of *May* next ensuing return in issues upon every person impanelled and returned upon any such writ, at the least ten shillings; (2) and at the second writ of *habeas corpora* or *distingas*, with a *nisi prius* upon every person impanelled and returned upon any such writ, twenty shillings at the least; (3) and at the third writ of *habeas corpora* or *distingas*, with *nisi prius*, that shall be further awarded upon every person impanelled and returned upon such writ, thirty shillings: (4) and upon every writ that shall be further awarded to try any such issues, to double the issues last afore specified, until a full jury be sworn, or the process otherwise ceased or determined; (5) upon pain to forfeit for every return of issues contrary to the form aforesaid, five pounds.

Issues returned upon a juror not summoned.

III. And be it further enacted, That if any sheriff, under-sheriff, bailiff or other minister, from and after the end of this present session of parliament, do return any person or persons to be summoned to appear in any jury, wherein he shall for default of his appearance lose or forfeit any issues, where in truth such person shall not be lawfully summoned; that then the same sheriff, under-sheriff, bailiff or other minister, by whose default such person shall be returned summoned as aforesaid, shall forfeit, lose and pay unto the said person and persons so returned, double the value of the issues by such juror or jurors lost or forfeited for his default of appearance.

Receiving reward for not returning of a juror.

IV. And be it further enacted by the authority aforesaid, That if any sheriff, under-sheriff, sheriff's deputy, sheriff or under-sheriff's clerk, or any bailiff of franchise, shall at any time after the end of this present session of parliament receive, take or have by himself, or by any other, any sum of money, reward or any other profit, directly or indirectly, or do take any promise, make any agreement or assent, to have any sum of money, reward or other profit, directly or indirectly, of any person or persons, for the sparing, not warning, or not returning of any person to be sworn as a juror, for the trial of any issue joined or to be joined in any of the Queen's majesty's courts aforesaid, or before any justices; that then every sheriff, under-sheriff, sheriff's deputy, sheriff or under-sheriff his clerk, or bailiff of liberty or franchise, so offending, to forfeit for every such offence the sum of five pounds; (2) the one moiety thereof to our sovereign lady the Queen's majesty, and the other moiety thereof to such person and persons as will sue for the same in any court of record, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed to the defendant.

V. And

V. And further be it ordained and enacted by the authority of the parliament, That from and after the end of this present session of parliament, at or upon the trial of any issue joined in any personal action, no further challenge for the hundred shall be admitted, if two sufficient hundredors do appear at and upon the trial of such issue,

Two hundredors sufficient in a personal action.

VI. Provided nevertheless, That all other challenges, principal or for other cause, shall be admitted, allowed and tried in such order and form, as if this act had never been had or made.

Other challenges.

VII. Provided also, That this act shall not extend to any juries or issues to be returned in any city or town corporate, or other town or place privileged to hold plea, or in the twelve shires of *Wales*; but that they shall and may be returned as heretofore they lawfully might have been; this act or any thing therein contained to the contrary in any wise notwithstanding.

Juries returned in a corporate town or *Wales*.

35 H. 8. c. 6. 2 & 3 Ed. 6. c. 32.

CAP. VII.

An act for reformation of abuses in collection of issues lost by jurors.

WHEREAS there are within this realm of England, in sundry counties of the same, divers freeholders of one name, and often and sundry times some one or mo of them been returned and impanelled in juries for trial of matters between party and party; (2) and if it happen any one of them so returned to make default, or lose issues, when the same are estreated to be levied, the bailiff or other collectors thereof, for lucre and gain, do demand and require the same of every one within the same county that is of that name; (3) and do persuade every person that is dwelling in that county, and so named, that he is the party that hath lost those issues, and compel him to pay the same by the distress of his or their goods and chattels, to their great molestation and trouble; (4) and yet nevertheless many times do detain and keep all or the more part of the issues so collected, to their own use, in contempt of the Queen's majesty's laws, and to the great grievance of her loving subjects, and contrary to all equity and good conscience:

No juror shall be returned without addition of his dwelling-place, and how issues lost shall be levied.

II. For remedy whereof, be it enacted by the authority of this present parliament, That from and after forty days after the end of this session of parliament, no sheriff, coroner or other person to whom it shall appertain to make return of any writ, shall return any juror dwelling out of any liberty, without the true addition of the place of his dwelling or abode at the time of the said return, or within one year next before the making of any such return, or some other addition, by which the party returned may be known; (2) nor any juror within any liberty, with other addition than such as shall be delivered to him by the bailiff of the said liberty, or his deputy, certified under his or their hand; (3) nor any bailiff of any liberty, nor any his or their deputy or deputies, shall of himself return any juror, or deliver to the sheriff, his under-sheriff, deputy or deputies, the names of any persons to be returned upon any panel or jury, without the true addition certified under his or their hands to the sheriff,

The dwelling-place of every juror shall be returned.

In every extract of issues against a juror, his addition shall be put.

riff, of the place of dwelling or abode of every person so to be returned at the time of the said return, or within one year next before the said return, or some other addition, by which the party returned may be known: (4) and that no extract of issues against any juror returned as aforesaid shall be delivered out, received or put in ure, without such addition as is put in the original panel or *tales* wherein such juror shall be so returned: (5) and that no under-sheriff, bailiff or other officer or person whatsoever, shall collect, levy or gather any issues so estreated, of any other person or persons, than of such person and persons as by virtue of the said estreat is of right charged or chargeable with the payment of the said issues; (6) upon pain that every clerk that shall write or deliver, or cause or procure any such estreat to be delivered out, received or put in ure, and every other person offending contrary to the intent and meaning of this act, shall forfeit to the Queen's majesty, her heirs and successors, five marks, and to the party grieved, or which shall sustain any loss thereby, the sum of five marks of lawful *English* money; (7) all which forfeitures and penalties shall and may be recovered by action of debt, bill, plaint or information, in any court of record, wherein no essoin, protection or wager of law shall be allowed.

What officers have authority to hear and determine the offences aforesaid.

III. And be it further enacted by the authority aforesaid, That justices of *oyer and terminer* within the limits of their commission, justices of assize in their circuits, and justices of peace, as well within liberties as without, within the limits of their commission, shall by virtue of this present act have full power and authority to enquire, hear and determine all and every the offences aforesaid, committed or to be committed within the several limits, circuit or precinct of their several commission or commissions, and to award forth process of execution for the levying of the said forfeitures. (2) This act to endure to the end of the next parliament. *Made perpetual by 39 Eliz. c. 18. s. 32.*

C A P. VIII.

An act for redress of erroneous judgments in the court commonly called the King's bench.

Erroneous judgments given in the King's bench by the common law are only reversible in parliament.

Moor 694. pl. 963.

Cro. El. 731.
Cro Jac. 171,
384.
Cro. Car. 286,
300.

FORASMUCH as erroneous judgments given in the court called the King's bench, are only to be reformed by the high court of parliament; (2) which court of parliament is not in these days so often holden as in antient time it hath been, neither yet (in respect of greater affairs of this realm) such erroneous judgments can be well considered of and determined during the time of the parliament, whereby the subjects of this realm are greatly hindred and delayed of justice in such cases:

II. Be it therefore enacted by the authority of this present parliament, That where any judgment shall at any time hereafter be given in the said court of the King's bench in any suit or action of debt, detinue, covenant, account, action upon the case, *ejectione firmæ*, or trespass, first commenced or to be first commenced there, other

(other than fuch only where the Queen's majefty fhall be party) Hob. 72. the party plaintiff or defendant, againft whom any fuch judgment ^{1 Roll. 264,} fhall be given, may at his election fue forth out of the court of ^{294, 361.} chancery a fpecial writ of error to be devised in the faid court of ^{2 Roll. 75, 134.} chancery, (2) directed to the chief juftice of the faid court of ^{Before whom} the King's bench for the time being, commanding him to caufe ^{judgments gi-} the faid record, and all things concerning the faid judgment, to ^{ven in certain} be brought before the juftices of the common bench and the ba- ^{actions in the} rons of the exchequer, ^{King's bench} into the exchequer-chamber, there to be ^{may be exa-} examined by the faid juftices of the common bench and barons ^{mined.} aforefaid; (3) which faid juftices of the common bench and fuch barons of the exchequer as are of the coif, or fix of them at the leaft, by virtue of this prefent act, fhall thereupon have full power and authority to examine all fuch errors as fhall be affigned or found in or upon any fuch judgment; (4) and thereupon to reverfe or affirm the faid judgment, as the law fhall require, other than for errors to be affigned or found for or concerning the jurifdiction of the faid court of King's bench, or for any want of form in any writ, return, plaint, bill, declaration or other pleading, procefs, verdict or proceeding whatfoever; (5) ^{4 Mod. 127.} and that after that the faid judgment fhall be affirmed or reverfed, the faid record and all things concerning the fame fhall be removed and brought back into the faid court of the King's bench, that fuch further proceeding may be thereupon, as well for execution as otherwife, as fhall appertain.

III. And be it further enacted, That fuch reverfal or affirmation of any fuch former judgment fhall not be fo final, but that ^{Erroneous} the party who findeth him grieved therewith, fhall and may fue ^{judgment exa-} in the high court of parliament for the further and due exami- ^{mined in par-} nation of the faid judgment, in fuch fort as is now ufed upon ^{liament.} erroneous judgments in the faid court of King's bench. ^{14 Ed.]} ^{3. stat. 1. cap. 5. 31 Eliz. cap. 1.}

C A P. IX.

An act for reformation of errors in fines and recoveries in the twelve fhoires of Wales, and counties palatine, and for exemplification of fines and recoveries generally.

WHEREAS in the parliament by prorogation holden at Westminster in the three and twentieth year of her Majefty's reign that now is, one good and beneficial ftatute was made and ordained for the appeafing of fuits, the avoiding of falfe practices, deceits, devices and mifdemeanors, and for helping of negligences and mifprifions of clerks and officers, dangerous to affurances of mens lands and hereditaments, intituled, An act for the reformation of errors in fines and recoveries: (2) forasmuch as the faid ftatute, or fundry good and neceffary claufes and parts thereof, doth not extend to fines and recoveries levied, had and fuffered in the twelve fhoires of Wales, that is to fay, Glamorgan, Brecknock, Radnor, Caermarthen, Pembroke, Cardigan, Mountgomery, Denbigh, Flint, Caernarvon, Anglefey and Merioneth, the town and county of Haverford-weft, and the counties palatine of Chefter, Lancafter and
Du-

Inrolment of fines and recoveries in Wales, and the counties palatine.

Dureſm: (3) be it enacted by our ſovereign lady the Queen's moſt excellent majeſty, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That every writ of covenant, and other writ whereupon any fine heretofore hath been levied or hereafter ſhall be levied, the return thereof, the writ of *dedimus poteſtatem* made for the acknowledging of any of the ſame fines, the return thereof, the concord, note and foot of every ſuch fine, the proclamations made thereupon, and the King's ſilver, (4) and alſo every original writ of entry in the *poſt*, or other writ whereupon any common recovery hath been ſuffered, or hereafter ſhall be ſuffered or paſſed, the writs of *ſummon. ad warrantizandum*, the returns of the ſaid originals and writs of *ſummon. ad warrantizandum* and every warrant of attorney, had or to be had, as well of every demandant and tenant as vouchee, extant and remaining, or that ſhall be extant and in being, in the courts of aſſizes or great ſeſſions within the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt*, and counties palatines, or in the cuſtody of the officers to whom the charge of keeping thereof doth appertain, (5) may upon the requeſt or election of any perſon or perſons be inrolled in rolls of parchment by ſuch perſons, and for ſuch conſiderations, as hereafter in this act ſhall be mentioned: (6) and that the inrolments of the ſame, or any part thereof, ſhall be of as good force and validity in the law, to all intents, reſpects and purpoſes, for ſo much of any of them ſo inrolled as the ſame being extant and remaining were or ought by law to be.

For what errors fines and recoveries are reverſible.

II. Be it further enacted by the authority aforeſaid, That no fine, proclamations upon fines, or common recovery heretofore had, levied, ſuffered or paſſed, or hereafter to be had, levied, ſuffered or paſſed, in any of the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt*, or counties palatine, ſhall be reverſed or reverſible by any writ of error for falſe or incongrue *Latin*, raſure, interlining, miſ-entring of any warrant of attorney, or of any proclamation, miſ-returning or not returning of the ſheriff, or other want of form in words, and not in matter of ſubſtance.

In what caſes, and what perſons may have writs of error to reverſe fines or recoveries.

III. Provided always, That neither this act, nor any thing therein contained, ſhall bar or exclude any perſon or perſons from any writ of error which ſhall be had, taken or purſued within five years next after the end of this ſeſſion of this preſent parliament, upon any fine or recovery heretofore had or ſuffered in any of the courts aforeſaid, nor from any writ of error which ſhall be had, taken or purſued, upon any fine or recovery heretofore levied, acknowledged or had in any of the ſaid courts aforeſaid, within any of the ſaid twelve ſhires of *Wales*, or town and county of *Haverford-weſt*: (2) which fine or recovery, or any part or parcel thereof, now is, or at any time before the firſt day of *June*, which ſhall be in the year of our Lord God one thouſand five hundred eighty-five, ſhall be exemplified under the judicial ſeal of the ſaid courts, at or by the ſuit of any perſon

perfon that is or may be intituled to have or fue any writ of error upon any the fame fines; or recoveries fo heretofore paffed; nor from any writ of error which fhall be had, taken or purfued upon any fine or recovery heretofore levied, acknowledged or had in any of the courts aforefaid, within any of the faid counties palatine; (3) which fine or recovery, or any part or parcel thereof, now is, or at any time before the faid firft day of *June*, which fhall be in the year of our Lord God one thoufand five hundred eighty-five, fhall be exemplified under the feal of the fame county palatine where the fame fine or recovery fhall be fo levied, knowledged or had, at or by the fuit of any perfon that is or may be intituled to have or fue any writ of error upon the fame fine or recovery fo heretofore paffed; (4) nor to bar any feme covert, or any perfon within the age of one and twenty years, or any perfon that is *non compos mentis*, in prifon, or beyond the feas, or of or from any writ of error to be had or profecuted for the reverfing of any fine or recovery heretofore paffed, levied or fuffered in any of the faid twelve fhires of *Wales*, town and county of *Haverford-weft*, or counties palatine: (5) fo that fuch feme covert or her heirs, within feven years next after that ſhe become ſole, and fuch perfon within the age of one and twenty years, or his heirs within feven years next after he ſhall come and be of full age of one and twenty years, and fuch perfon that is *non compos mentis*, within feven years next after he ſhall become of *ſanæ memoriæ*, and in default thereof the heirs of fuch perfon that is *non compos mentis*, within feven years next after the death of any fuch perfon being *non compos mentis*, and fuch perfon in prifon, or his heirs within feven years next after the fame perfon ſhall be at liberty, and fuch perfon beyond the feas or his heirs, within feven years next after the return of fuch perfon into this realm of *England*, or the death of the faid perfon, if he ſhall before his return die in any foreign country, ſhall fue, take and profecute their writs of error, as their cauſes ſhall feverally require, for reverfing of any of the faid fines or recoveries heretofore paffed, levied or fuffered.

IV. Provided always, and be it further enacted by the authority aforefaid, That if any perfon or perfons ſhall within the time and years aforefaid commence or fue his or their writs of error for the reverfing of any the faid fines or recoveries heretofore paffed, which fuit ſhall fortune to abate by the death of any of the parties to the fame; that then it ſhall and may be lawful for his and their heirs, at any time within one year next after the faid feven years expired; to have, fue, and take their writ of error for the reverfing of every fuch fine and recovery; (2) and if ſuch heir be an infant within the age of one and twenty years, then within one year next after the full age of fuch infant; any thing in this preſent act contained to the contrary thereof in any wiſe notwithstanding.

V. And be it further enacted by the authority of this preſent parliament, That every perfon that ſhall at any time hereafter take the knowledge of any fine or warrant

A remedy for the heir where the ancestor dieth pending the ſuit,

The day and year of the knowledge of

a fine or warrant of attorney for a recovery ſhall be certified.

of attorney of any tenant or vouchee, for ſuffering any common recovery to be levied, knowledged, paſſed or had, within any of the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt* or counties palatine, or ſhall certify them or any of them, ſhall with the certificate of the concord or warrant of attorney certify alſo the day and year wherein the ſame was acknowledged: (2) and that no perſon that taketh any ſuch knowledge of any ſuch fine or warrant for any recovery ſhall be bound, or by any means enforced to certify any ſuch knowledge or warrant, except it be within one year next after the ſaid knowledge taken.

Attornment.

VI. And that no clerk or officer in any of the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt* or counties palatine, ſhall receive any writ of covenant, or writ of entry, or any other writ whereupon any fine or common recovery is hereafter to paſs, unleſs the day of the knowledge of the ſame fine and warrant ſhall appear in or by ſuch certificate; upon pain that every clerk that ſhall receive any ſuch writ, ſhall forfeit for every time that he ſhall ſo offend the ſum of forty ſhillings: (2) and that no attornment in or upon any ſuch fine in any of the courts aforeſaid be entred upon record, except the party mentioned to attorn therein, firſt have appeared in the court in perſon, or by attorney warranted by the hands of one of the juſtices of the ſame court, upon a writ of *quid juris clamat, quem redditum redd.* or *per qua ſervitia*, as the cauſe requireth: (3) and that every entry of attornment hereafter to be made in any of the courts aforeſaid, wherein there ſhall be no appearance as aforeſaid, ſhall be utterly void and of none effect, without any writ of error or other means to be uſed for avoiding thereof.

The office of inrolments.

VII. And be it further enacted by the authority aforeſaid, That there ſhall be for ever an office for the inrolments aforeſaid in every of the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt* and counties palatine, which ſhall be and continue an office for ever, called the office of the inrolments of fines and recoveries; and that the juſtices of the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt* and counties palatine for the time being, that is to wit, every of them within the limits and precincts of their ſeveral authorities and commiſſions, ſhall have and take the care and charge of and for the inrolments aforeſaid, and ſhall have and enjoy the ſaid office and the diſpoſition thereof, and carefully ſee and look to the execution thereof; (2) and in conſideration of their charges, pain and travel therein, ſhall have and take the ſums of money hereafter following, and no more, that is to ſay, for the inrolment and examination of every fine and the parts thereof, five ſhillings; (3) and for the inrolment and examination of every recovery and the parts thereof, five ſhillings; (4) and for every exemplification of the inrolment of every fine and the parts thereof, three ſhillings four-pence; (5) and for every exemplification of the inrolment of every recovery and the parts there-

Fees for inrolments and exemplifications of fines and recoveries.

of,

of, three ſhillings four-pence; (6) and for the ſearch of the rolls for one year, four-pence; (7) and for the copy of one ſheet of paper, containing fourteen lines, four-pence: (8) and that the juſtices of the ſaid courts of aſſizes or great ſeſſions for the time being within the ſaid twelve ſhires of *Wales*, town and county of *Haverford-weſt*, and counties palatine, or any one of them, within the ſeveral limits and precincts of their ſaid ſeveral commiſſions, ſhall examine the inrolment of every ſuch fine and recovery and of the parts thereof; and after ſuch examination of the inrolment of every ſuch fine and recovery and of the parts thereof, ſhall immediately write his name that ſo examineth, with his own hand in the roll thereof, upon pain that the ſaid juſtices ſhall forfeit to our ſovereign lady the Queen's majeſty, the ſum of forty ſhillings for every time that they or one of them ſhall make default of ſuch examination or writing of his or their name as is aforeſaid; (9) and that it ſhall and may be lawful for the ſaid juſtices or any of them for the time being, to take order in all things that ſhall be convenient and needful for the inrolments aforeſaid; (10) and upon examination in the ſaid courts, to aſſeſs ſuch fine or americiament upon any clerk, ſheriff, deputy, attorney or any other perſon for his and their miſpriſion, contempt and negligence, for not doing or miſ-doing in any thing, of, in or concerning the ſaid fines or recoveries, or any part of them or either of them, as by the ſaid juſtices for the time being or any one of them ſhall be thought meet and convenient: (11) the ſaid fine and americiament to be eſtreated amongſt other fines and americiaments of that court where ſuch offence or miſpriſion ſhall be committed.

Assessing of
fines for miſ-
priſion, con-
tempt or neg-
ligence.

VIII. And be it further enacted by the authority aforeſaid, That the exemplification of any ſuch inrolment of any fine or recovery, or of any part thereof, within any of the ſaid twelve ſhires of *Wales* or the ſaid town and county of *Haverford-weſt*, under the judicial ſeal of the ſaid ſhire, town or county, where ſuch fine or recovery was levied, had or paſſed, (2) and the exemplification of any ſuch inrolment of any fine or recovery, or of any part thereof within any of the ſaid counties palatine, under the ſeal of that county palatine where ſuch fine or recovery was levied, had or paſſed, (3) ſhall be of as good force and validity in the law, to all intents, reſpects and purpoſes, for ſuch part and ſo much of any of them as ſhall be ſo exemplified, as the very original record it ſelf, being extant and remaining, were or ought by law to be.

The exempli-
fication of as
good force as
the original
record.

IX. Provided always, and be it enacted by the authority aforeſaid, That it ſhall be lawful for the juſtices clerks, authorized by their warrant in the ſaid ſeveral offices and places where the ſame records or any of them do or ſhall remain, to write out or inrol the ſame records and every part thereof, (2) and that the ſaid records nor any of them, for the writing out or making the rolls thereof by the clerks of the ſaid juſtices, ſhall be brought or carried forth of the ſaid offices or places.

Records ſhall
not be carried
forth of the
offices.

No fine or recovery shall be amended after exemplification.

X. And be it further enacted by the authority aforefaid, That none of the faid fines or recoveries aforefaid, heretofore levied, paffed or fuffered, which fhall be exemplified under any judicial feal of any of the faid fhires of *Wales*, or town or county of *Haverford-weft*, or under the feal of any of the faid counties palatine, according to the form of this act, fhall after fuch exemplifications had, be in any wife amended.

The heirs of the lord Powys, Sir Edward Herbert, Vernon.

XI. Provided always, That this act, or any thing therein contained, fhall not in any wife extend to the prejudice of the heirs of Sir *Edward Grey*, knight, lord *Powys* deceased, or of Sir *Edward Herbert*, knight, or his heirs or affigns, *Henry Vernon* or *John Vernon*, efquires, or their heirs or affigns, for or concerning any fine levied; or recovery fuffered, by or againft the faid lord *Powys*, of any baronies, honours, manors, lands, tenements or hereditaments in the county of *Montgomery*, or any exemplification thereof, or for or concerning any writ of error, brought or to be brought for the reverfing of any fuch fine or recovery; but that they and every of them fhall have and enjoy the fame right, title, benefit and advantage to all intents and purpofes, as if this act had never been had or made.

The earl of Kent his title.

XII. *And forasmuch as upon great examination it appeareth, That divers fines and recoveries have been heretofore levied and fuffered of divers caftles, manors, meffuages, lands, tenements and hereditaments, which sometime were the inheritance of George sometime earl of Kent, great grandfather to Henry, now earl of Kent, in ufe, poffeffion, reversion or remainder, whereunto the faid now earl of Kent pretended title, in ufe, poffeffion, reversion or remainder, which, if they be erroneou as is pretended, do much vary from the general caufe and mischief for which this ftatute meaneth to provide: be it therefore enacted by the authority aforefaid, That neither this ftatute, nor any thing therein contained, fhall extend to take away any writ of error whereunto any perfon or perfons is now, or hereafter fhall be, lawfully intituled to have, for the reverfing of the faid fines and recoveries or any of them, heretofore levied or fuffered of any of the faid caftles, manors, meffuages, lands, tenements or hereditaments which late were any part or parcel of the inheritance of the faid George, sometime earl of Kent, in ufe, poffeffion, reversion or remainder; any thing in this ftatute contained to the contrary thereof in any wife notwithstanding.*
23 Eliz. c. 3.

CAP. X.

An act for the continuance of a former ftatute, intituled, An act to redrefs diforders in common informers upon penal laws, made in the eighteenth year of the Queen's majesty's reign.

The ftatute of 18 Eliz. c. 5. touching informers upon penal ftatutes,

WHERE in the parliament holden at Westminster the eighth day of February in the eighteenth year of the reign of our moft gracious fovereign lady Queen Elizabeth, there was amongst others an act made, intituled, An act to redrefs diforders in common informers

formers upon penal laws, which act is to continue in force and effect but unto the end of this feffion of this prefent parliament; forasmuch as the faid act is found by experience fince the making of the fame act to be very neceffary, beneficial and expedient for the commonwealth:

II. Be it therefore enacted by the authority of this prefent parliament, That the fame act above remembred, and all and every the branches, claufes and provifions in the fame contained, fhall remain, continue and be from henceforth in full force and effect for ever.

CAP. XI.

Certain ftatutes, viz. xix. made in the reigns of King Hen. 8. King Edw. 6. and Queen Eliz. revived, and made to continue until the end of the next parliament. EXP. A repeal of fo much of the ftatute of 5 Eliz. c. 5. as concerneth the eating of fifh, and refraineth the eating of flefh, upon the Wednesday. Sea-fifh may be fold any day in the week faving Sunday. Victuallers fhall utter no flefh in Lent, nor upon Fridays or Saturdays. All manner of pins may be brought into this realm. EXP. 39 Eliz. c. 7. 39 Eliz. c. 18. Co. Entr. 371.

CAP. XII.

An act for fwearing of under-fheriffs and other under-officers and minifters.

FORASMUCH as grievous complaints are many times made of the mifdemaneor and evil behaviour of under-fheriffs, who oftentimes having to them committed by the high-fheriff the whole or part of the exercising and executing of the office of the high-fheriff, and not taking any corporal oath as the high-fheriff doth, for the executing and difcharging of the fame office, do therefore daily moft injuriously, through corruption and affection, impanel jurors for the Queen's majefty, and betwixt party and party, to the great lofs, damage and hindrance of divers her Majefty's loving fubjects of this realm:

Under-fheriffs, bailiffs of liberties, fheriffs, clerks and deputies, fhall be twice fworn. Complaints of the mifdemaneors of under-fheriffs. 1 Roll. 274.

II. For reformation whereof, be it enacted by the authority of this parliament, That all and every perfon and perfons, that from and after the laft day of the feffion of this prefent parliament, fhall be admitted to or take upon him the executing of the office of an under-fheriff in any fhire or county within this realm of England, before he intermeddle with the ufe or exercife of the faid office, fhall receive and take a corporal oath upon the holy evangelifts, before the juftices of affife or one of them of the fame circuit wherein that county is whereof he fhall be under-fheriff, or before the *custos rotulorum*, or two juftices of the peace whereof one to be of the *quorum*, of the faid county whereof he fhall be under-fheriff as aforefaid, (2) for and concerning the fupremacy, in fuch manner and form as that oath is expreffed and declared in one act of parliament made and ordained in the firft year of the reign of our faid fovereign lady the Queen's majefty, (3) together with which oath he fhall in like fort, before the fame perfon or perfons, receive and take another corporal oath as followeth, (that is to fay) I A. B. fhall not ufe or exercife the office of under-fheriff corruptly during

1 El. c. 1. The oath of fupremacy.

The under-fheriff's oath touching the

impanelling of
juries.

the time that I shall remain therein, neither shall or will accept, receive or take, by any colour, means or device whatsoever, or consent to the taking of any manner of fee or reward of any person or persons for the impanelling or returning of any inquest, jury or *tales*, in any court of record, for the Queen, or betwixt party and party, above two shillings or the value thereof, or such fees as are allowed and appointed for the same by the laws and statutes of this realm, but will according to my power, truly and indifferently, with convenient speed, impanel all jurors, and return all such writ or writs touching the same as shall appertain to be done by my duty or office, during the time that I shall remain in the said office. So help me God. (4) And likewise be it enacted by the authority aforesaid, That this act shall be a sufficient warrant to the persons appointed by this act to minister the oath aforesaid, for the ministring thereof accordingly.

The under-
sheriff chosen
at the time of
the statute
making.

III. And be it further enacted by the authority aforesaid, That every under-sheriff that is already chosen and appointed for the executing of the said office of under-sheriff for the year or time begun, of or upon the last change of sheriffs, shall within forty days next ensuing the session of this present parliament receive and take the oaths mentioned in this act, before such person or persons, as by this act is or are limited and appointed to minister the same.

Bailiffs of
franchises,
sheriffs clerks
and deputies,
shall take the
aforesaid oath.

IV. And be it further enacted by the authority aforesaid, That every bailiff of franchises, deputy and clerk of every sheriff and under-sheriff, and every other person and persons, which after forty days after the end of this session of parliament shall have authority, or take upon him to impanel or return any inquest, jury or *tales*, or to intermeddle with execution of process in any court of record, shall before he or they intermeddle with any further execution thereof, receive and take the oaths aforesaid corporally, before the person or persons appointed by this act to minister the same, or before the head officer of the place, if it be a town corporate, changing only the words (the office of the under-sheriff) contained in the oath expressed in this act, to such words as are convenient for the deputation, office or place, in which the party which taketh the oath is to be exercised in: (2) and if any the said persons limited to take the oath aforesaid, do take upon him to impanel or return any inquest, jury or *tales*, or to intermeddle with the execution of process, not having before taken the oaths aforesaid; that then every such person shall lose and forfeit the sum of forty pounds of current *English* money, the one moiety to be to the use of our sovereign lady the Queen, the other moiety to him or them that will sue for the same.

The forfeiture
of the offen-
ders, and how
it may be re-
covered.

V. And be it further enacted by the authority aforesaid, That if any under-sheriff, or other person mentioned in this act, or any of them, at any time and times, from and after forty days next ensuing the last day of this present session of parliament, shall do or commit any act or acts contrary to the oaths aforesaid; or either of them, or contrary to the true intent and mean-
ing

ing of this act, that then every ſuch perſon ſo offending ſhall forfeit and loſe for every ſuch offence to the party or parties grieved, his or their treble damages: (2) all which ſeveral forfeitures before-mentioned ſhall or may, by the authority of this preſent act, be recovered, had and levied by action of debt, bill, plaint or information, in any of the Queen's majeſty's courts of record; in which actions, ſuits, plaints or informations, no wager of law, eſſoin or protection ſhall be allowed.

VI. And be it further enacted by the authority aforeſaid, That the juſtices of aſſize, and juſtices of peace in their open ſeſſions, ſhall have full power within the limits of their authority, to hear and determine the defaults done contrary to this act, as well by preſentment and information as indictment; (2) and upon conviction of the offenders, to award execution for the levying of the forfeitures aforeſaid, by fieri facias, or by attachment, capias or exigent.

What officers may hear and determine the offences aforeſaid.

C A P X I I I .

An act for the following of hue and cry.

WHEREAS by two ancient ſtatutes, the one made in the parliament holden at Wincheſter in the thirteenth year of the reign of King Edward the firſt, and the other in the eight and twentieth year of the reign of King Edward the third, it was for the better repreſſing of robberies and felonies (amongſt other things) enacted to this effect, that if the country do not answer for the bodies of ſuch malefactor, that then the pain ſhould be ſuch, that is to wit, that the people dwelling in the country ſhall be answerable for the robberies done, and the damages, (2) ſo that the whole hundred where the robbery ſhall be done, with the franchiſes which are within the precinct of the ſame hundred, ſhall answer the robberies done; (3) and if the robbery chance to be done in the diſviſion of two hundreds, that then both the hundreds together, with the franchiſes within the precinct of them, ſhall be answerable, as in the ſaid two ſeveral ſtatutes it doth more at large appear:

Hue and cry, how and by whom to be made, and the penalty for default thereof, &c.

13 Ed. 1.
ſtat. 2. c. 182.
28 Ed. 3. c. 11.

The effect of thoſe ſtatutes touching answering for robbery.

II. Forasmuch as the ſaid parts of the ſaid ſeveral ſtatutes being of late days more commonly put in execution, than heretofore they have been, are found by experience to be very hard and extreme to many of the Queen's majeſty's good ſubjects, becauſe by the ſame ſtatutes they do remain charged with the penalties therein contained, notwithstanding their inability to ſatisfy the ſame, and though they do as much as in reaſon might be required in purſuing ſuch malefactor and offenders, (2) whereby both large ſcope of negligence is given to the inhabitants and reſiants in other hundreds and counties, not to proſecute the hue and cry made, followed, and brought unto them, by reaſon they are not chargeable for any portion of the goods robbed, nor with any damages in that behalf given, (3) and alſo great encouragement and emboldening is likewiſe given unto the offenders, to commit daily more felonies and robberies, as ſeeing it in manner impoſſible for the inhabitants and reſiants of the ſaid hundred and franchiſes wherein the robbery is committed, to apprehend them without the aid of the other hundreds and counties adjoining; (4) and for that alſo the party robbed having remedy by the aforeſaid ſtatutes for the recovering of his

Several inconveniences enſuing the aforeſaid ſtatutes, touching hue and cry.

goods robbed and damages againſt the inhabitants and reſiants of the hundreds wherein the robbery was committed, is many times negligent and careleſs in proſecuting and purſuing the ſaid malefactors and offenders: (5) our ſovereign lady the Queen's majeſty, not willing therefore that her people ſhould be impoverished by any ſuch pain or penalty which ſhould be hard or grievous to them, and having ſpecial regard to abate the power of felons, and to reſreſs felonies, (6) doth for remedy hereof, with the conſent of the lords ſpiritual and temporal, and of the commons, in this preſent parliament aſſembled, and by the authority of the ſame parliament, eſtabliſh and enact, That the inhabitants and reſiants of every or any ſuch hundred, (with the franchiſes within the precinct thereof) wherein negligence, fault or defect of purſuit and freſh ſuit, after hue and cry made, ſhall happen to be, from and after forty days next after the end of this preſent ſeſſion of parliament, ſhall answer and ſatiſfy the one moiety or half of all and every ſuch ſum and ſums of money and damages, as ſhall by force or virtue of the ſaid ſtatutes or either of them be recovered or had againſt or of the ſaid hundred, with the franchiſes therein, in which any robbery or felony ſhall at any time hereafter be committed or done: (7) and that the ſame moiety ſhall and may be recovered by action of debt, bill, plaint or information, in any of the Queen's majeſty's courts of record at *Weſtmiſter*, by and in the name of the clerk of the peace for the time being, of or in every ſuch county within this realm, where any ſuch robbery and recovery by the party or parties robbed ſhall be, without naming the chriſtian name or ſurname of the ſaid clerk of the peace; (8) which moiety ſo recovered ſhall be to the only uſe and behoof of the inhabitants of the ſaid hundred where any ſuch robbery or felony ſhall be committed or done.

Hob. 246.
The inhabitants of the hundred where freſh ſuit ſhall not be made, ſhall answer half damages.

The moiety ſhall be recovered by the clerk of the peace.

The death or removing of the clerk of the peace ſhall not ceaſe the ſuit.

III. And be it further enacted by the authority aforeſaid, That if any clerk of the peace, of or in any county within this realm, ſhall at any time hereafter commence or prefer any ſuch ſuit, action or information, and ſhall after the ſame ſo ſued, commenced or preferred, happen to die or to be removed out of his office, before recovery and execution had; That yet no ſuch action, ſuit, bill, plaint or information, ſued, commenced or preferred, ſhall by ſuch diſplacing or death be abated, diſcontinued or ended; (2) but that it ſhall and may be lawful to and for the clerk of the peace next ſucceeding in the ſaid county, to proſecute, purſue and follow all and every ſuch action, bill, plaint, ſuit and information, for the cauſes aforeſaid, ſo hanging and depending, in ſuch manner and form, and to all intents and purpoſes, as that clerk of the peace might have done which firſt commenced or preferred the ſaid ſuit, bill, plaint or information.

IV. And although the whole hundred, where ſuch robberies and felonies are committed, with the liberties within the precinct thereof, are by the ſaid two former ſtatutes charged with the answering to the party robbed his damages; yet nevertheless the recovery and execution by

by and for the party or parties robbed, is had againſt one or a very few perfons of the ſaid inhabitants, and he and they ſo charged, have not heretofore by law had any mean or way to have any contribution of or from the reſidue of the ſaid hundred where the ſaid robbery is committed, to the great impoveriſhment of them againſt whom ſuch recovery or execution is had :

V. For remedy whereof, be it enacted by the authority aforeſaid, That after execution of damages by the party or parties ſo robbed had, it ſhall and may be lawful (upon complaint made by the party or parties ſo charged) to and for two juſtices of the peace (whereof one to be of the *quorum*) of the ſame county, inhabiting within the ſaid hundred, or near unto the ſame, where any ſuch execution ſhall be had, to aſſeſs and tax rateably and proportionably, according to their diſcretions, all and every the towns, pariſhes, villages and hamlets, as well of the ſaid hundred where any ſuch robbery ſhall be committed, as of the liberties within the ſaid hundred, to and towards an equal contribution to be had and made for the relief of the ſaid inhabitant or inhabitants, againſt whom the party or parties robbed before that time had his or their execution ; (2) and that after ſuch taxation made, the conſtables, conſtable, headboroughs or headborough of every ſuch town, pariſh, village and hamlet, ſhall by virtue of this preſent act have full power and authority within their ſeveral limits, rateably and proportionably to tax and aſſeſs according to their abilities, every inhabitant and dweller in every ſuch town, pariſh, village and hamlet, for and towards the payment of ſuch taxation and aſſeſſment, as ſhall be ſo made upon every ſuch town, pariſh, village and hamlet as aforeſaid, by the ſaid juſtices : (3) and that if any inhabitant of any ſuch town, pariſh, village or hamlet, ſhall obſtinate-ly reſuſe and deny to pay the ſaid taxation and aſſeſſment, ſo by the ſaid conſtables, conſtable, headboroughs or headborough taxed and aſſeſſed, That then it ſhall and may be lawful to and for the ſaid conſtables and headboroughs, and every of them within their ſeveral limits and jurisdictions, to diſtrain all and every perſon and perfons ſo reſuſing and denying, by his and their goods and chattels ; (4) and the ſame diſtreſs to ſell, and the money thereof coming to retain to the uſe aforeſaid ; (5) and if the goods or chattels ſo diſtrained and ſold ſhall be of more value than the ſaid taxation ſhall come unto, that then the reſidue of the ſaid money, over and above the ſaid taxation, ſhall be delivered unto the ſaid perſon or perfons ſo diſtrained.

A remedy for thoſe againſt whom recovery and execution is had, to have contribution.

The taxation of the towns by the juſtices.

The taxation of the inhabitants by the conſtables.

Diſtraining, and ſale of diſtreſs for default of payment.

VI. And be it further enacted, That all and every the ſaid conſtables and headboroughs, after that they have within their ſeveral limits and jurisdictions levied and collected their ſaid rates and ſums of money ſo taxed, ſhall within ten days after ſuch collection, pay and deliver the ſame over unto the ſaid juſtices of peace or one of them, to the uſe and behoof of the ſaid inhabitant or inhabitants for whom ſuch rate, taxation and aſſeſſment ſhall be had or made as aforeſaid ; (2) which money

The conſtables ſhall deliver the money collected to the juſtices.

fo paid fhall by the juftices or juftice fo receiving the fame, be delivered over (upon request made) unto the faid inhabitant or inhabitants to whole ufe the fame was collected.

Levyng of the contribu- tion in the hundred where default of purfuit fhall be.

VII. And be it further enacted by the authority aforefaid, That the like taxation, affeffment, levyng by diftreff and payment as aforefaid, fhall be had and done within every hundred where default or negligence of purfuit and freff fuit fhall be, for and to the benefit of all and every inhabitant and inhabitants of the fame hundred where fuch default fhall be, that fhall at any time hereafter by virtue of this prefent act have any damages or money levied of them, for or to the payment of the one moiety or half of the money recovered againft the faid hundred where any robbery fhall be hereafter committed.

No penalty where any of the offenders be apprehended.

March 10, 11.
1 Sid. 11.

VIII. Provided alfo, and be it further enacted by the authority aforefaid, That where any robbery is or fhall be hereafter committed by two or a greater number of malefactors, and that it happen any one of the faid offenders to be apprehended by purfuit to be made according to the faid former mentioned laws and ftatutes, or according to this prefent act; That then and in fuch cafe, no hundred or franchise fhall in any wife incur or fall into the penalty, lofs or forfeiture mentioned either in this prefent act or in any the faid former ftatutes, although the refidue of the faid malefactors fhall happen to efcape, and not to be apprehended; any thing in this ftatute, or in the faid former ftatutes to the contrary notwithstanding.

The fuit fhall be commenced within one year after the robbery.

IX. Provided alfo, That no perfon or perfons hereafter robbed fhall take any benefit by virtue of any the faid former ftatutes to charge any hundred where any fuch robbery fhall be committed, except he or they fo robbed fhall commence his or their fuit or action within one year next after fuch robbery fo to be committed.

In what fort hue and cry, and purfuit of felons fhall be made.
Dyer 370.

X. And be it further enacted by the authority aforefaid, That no hue and cry, or purfuit hereafter to be done or made by the country, or inhabitants of any hundred, fhall be allowed and taken to be a lawful hue and cry or purfuit upon or after any the faid felons or offenders, except the fame hue and cry or purfuit be done and made by horfemen and footmen; any ufage or custom to the contrary notwithstanding.

The party robbed fhall give notice thereof to the inhabitants of fome town, &c.
3 Mod. 287.

XI. And be it further alfo enacted by the authority of this prefent parliament, That no perfon or perfons that fhall hereafter happen to be robbed fhall have or maintain any action, or take any benefit by virtue of the faid two mentioned ftatutes or either of them, except the fame perfon and perfons fo robbed fhall with as much convenient fpeed as may be, give notice and intelligence of the faid felony or robbery fo committed unto fome of the inhabitants of fome town, village or hamlet near unto the place where any fuch robbery fhall be committed; (2) nor fhall bring or have any action upon and by virtue of any the ftatutes aforefaid, except he or they fhall firft within twenty days next before fuch action to be brought be examined upon his or their corporal oath, to be taken before fome one juftice of

The party robbed examined before a juftice whether he knew

the peace of the county where the robbery was committed, inhabiting within the said hundred where the robbery was committed, or near unto the same, whether he or they do know the parties that committed the said robbery, or any of them: (3) and if upon such examination it be confessed that he or they do know the parties that committed the said robbery, or any of them, That then he or they so confessing shall before the said action be commenced or brought, enter into sufficient bond by recognizance before the said justice before whom the said examination is had, effectually to prosecute the same person and persons so known to have committed the said robbery, by indictment, or otherwise, according to the due course of the laws of this realm.

any of the offenders.
Co. Entr. 348.
Rast. 406.
Cro. El. 142.
Clif. Ent. 378.
See farther limitations,
8 Geo. 2. c. 16.

C A P. XIV.

An act for reviving of a former statute made for the true making of malt.

WHEREAS in the parliament holden at Westminster, upon prorogation the fourth day of November in the second year of the reign of the late King of most famous memory King Edward the Sixth, most dear brother to our sovereign lady the Queen's majesty that now is, there was amongst other things one good and necessary act of parliament made and established, intituled, An act for the true making of malt; (2) which said statute was after discontinued, and so resteth and remaineth as yet, albeit in truth, during the continuance thereof, the same did much good to the commonwealth, and so would it do still, if the same might be revived and stand in force as heretofore it hath done:

2 & 3 Ed. 6.
c. 10.

II. In consideration whereof, may it please her Highness, with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that it may be enacted, That the said former act and statute abovementioned, and every branch, article and proviso therein contained, shall be revived, and from henceforth continue, stand and endure in force and strength to all intents, constructions and purposes, and shall be observed and kept in all things, according to the tenor, effect and true meaning of the same. (2) This act to continue for the time of three years now next following after the end of this present session of parliament, and after the end of the said three years, then to the end of the parliament then next after following. 3 Car. 1. c. 4. continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

A reviver of the statute 2 & 3 Ed. 6. c. 10. made for the making of malt.

C A P. XV.

It shall be lawful to any of the Queen's subjects to bring into this realm from the parts beyond the sea, in English ships or crayers, being sailed by English mariners with cross sails, herring, staple-fish and ling-fish, for serving of the north parts, paying the Queen's custom and subsidy for the same: so as none of the said fish be shipped from any of those north parts into any place of England, south or south-west from Boston; any statute or proviso notwithstanding, &c. But this shall not be prejudicial

dicial to the town or burghesses of Berwick. EXP. 13 Eliz. c. 11. & 23 Eliz. c. 7.

CAP. XVI.

It shall not be lawful to any person (saving a tanner, his executors, administrators or legatories, or to them to whom tanned leather shall be forfeited) to sell or put away any tanned leather unwrought, not converted into made wares, in defrauding the true meaning of the statute of 5 Eliz. c. 8. EXP.

CAP. XVII.

An act touching the breadth of white woolen clothes made within the counties of Wilts, Gloucester, Somerset and Oxon, &c.

Of what length, breadth and weight whites made in the counties of Gloucester, Somerset and Wiltshire, and elsewhere, shall be.
5 & 6 Ed. 6. c. 6.

WHEREAS in the parliament holden at Westminster in the fifth and sixth years of the reign of our late sovereign lord King Edward the Sixth, one statute was made, intituled, An act for the true making of woolen cloth, whereby (among other things) it was enacted, That all whites and reds, which after the feast of St. Michael the archangel then next coming should be made in the shires or counties of Wilts, Gloucester and Somerset, or any of them, or elsewhere of like making, and all other whites which should be made in any other parts of this realm of England, and not before in the same statute remembred, should contain in length, being thorough wet, between six and eight and twenty yards, and should be seven quarters of the yard in breadth within the lists, at the least, and listed according to the ancient custom; and being well scoured, thicked, milled and fully dried, should weigh every piece sixty-four pounds being white, and sixty pounds being coloured, at the least, as by the said act; among divers clauses, articles and provisions contained in the same, more plainly is expressed :

The weight of the said clothes.
4 & 5 Ph. & M. c. 5.

II. And whereas also in the parliament holden at Westminster in the fourth and fifth years of the reigns of our late sovereign lord and lady King Philip and Queen Mary, one other statute was made, intituled, An act touching the making of woolen clothes, whereby also (amongst other things) it was ordained, established, enacted and provided, That every white cloth which should be made in the counties of Wilts, Gloucester and Somerset, or any of them, or elsewhere of like making, appointed by the said act made in the said fifth and sixth years of King Edward the Sixth to weigh threescore and four pound, should weigh, being well scoured, thicked, milled and fully dried, threescore and one pound at the least; (2) with a provision in the same last recited act contained, That no person or persons should incur the danger, penalty or forfeiture limited and appointed for any offence in the said former recited act, which was mitigated, or otherwise appointed by the same act made in the fourth and fifth years of King Philip and Queen Mary, as by the same act made in the fourth and fifth years of King Philip and Queen Mary, amongst divers clauses, articles and provisions therein contained, more plainly is expressed: (3) thence the making of which said several statutes, although the makers of the said clothes have endeavoured themselves according to their best skill and industry to perform and fulfil the said recited statute in every of their clothes, as much as in them did lie, as touching the breadth of clothes;

clothes; and to that end and purpoſe have allowed and do allow ſo much yarn and ſtuff to every ſuch cloth as might ſufficiently ſerve to make all the ſaid clothes full out in length and breadth, according to the ſaid former ſtatute made in the fifth and ſixth years of King Edward the Sixth, and in weight according to the ſaid branch of the ſaid ſtatute made in the fourth and fifth years of the reigns of the late King Philip and Queen Mary; (4) yet notwithstanding many times, by reaſon of the divers natures in the wools, and by the great diverſities in the ſpinning, carding and milling, many of the ſaid clothes made within the ſaid counties of Wilts, Glouceſter, Somerſet and Oxon, and elſewhere of like making, do not contain full ſeven quarters in breadth, according to the ſaid ſtatute made in the fifth and ſixth years of King Edward the Sixth, and yet do hold their full aweight or more, according to the former ſtatute made in the time of the ſaid King Philip and Queen Mary, and no default touching the breadth can juſtly be imputed to the maker thereof; for that the ſaid cloth-makers (as experience daily ſheweth) cannot obſerve the ſaid former ſtatutes in all the ſaid clothes, as touching the breadth, although they endeavour themſelves never ſo much thereunto; (5) which clothes not containing their full aſſiſe in breadth, as is aforeſaid, are many times taken and ſeized by the ſearchers of London when they come to their market at Blackwell-Hall, to the great loſs and damage of the ſaid cloth-makers, and to the great hindrance of cloth-making within the ſaid counties.

The reaſons wherefore the aforeſaid ſtat. of 5 & 6 Ed. 6. c. 6. & 4 & 5 Ph. & M. c. 5. cannot be performed, and yet no default in the clothier.

III. In conſideration whereof, albeit it is not hereby intended to repeal or make void the ſaid former recited eſtatutes, or either of them, otherwiſe than is hereafter expreſſed, yet nevertheless, be it enacted by the Queen's moſt excellent Majeſty, with the aſſent of the lords ſpiritual and temporal; and the commons, of this preſent parliament aſſembled, and by the authority of the ſame, That no perſon or perſons ſhall be hereafter charged for any ſuch default which hereafter ſhall be in any of the ſaid clothes mentioned in this act for want of breadth of ſeven quarters, ſo that the ſame cloth doth contain in breadth, being thoroughly wet, ſix quarters and an half at the leaſt within the liſts unwrought, and liſted according to the ancient cuſtom; any thing in any of the ſaid former ſtatutes mentioned to the contrary in any wiſe notwithstanding.

The breadth of clothes made in Wilſhire, Glouceſter, Somerſet and Oxfordſhire.

IV. Provided always, and be it enacted by the authority aforeſaid, That if any of the ſaid clothes ſhall not contain ſix quarters and an half at the leaſt within the liſts, as aforeſaid, that then every perſon offending in that behalf, ſhall for every ſuch cloth be ſubject to ſuch pains, penalties and forfeitures, as were by force of the former recited ſtatute of the fifth and ſixth years of King Edward the Sixth to have been forfeited for want of breadth of ſeven quarters within the liſts.

The penalty if the cloth do not contain in breadth ſix quarters and an half 5 & 6 Ed. 6. c. 6.

V. And be it nevertheless enacted by the authority aforeſaid, That if any cloth to be made within any of the ſaid counties, or elſewhere of like making, called narrow-liſted whites, being well ſcourd, thicked, milled and fully dried, ſhall contain in weight any leſs than ſixty-one pounds at the leaſt; (2) or if any cloth

The weight of narrow-liſted whites and broad-liſted whites.

The length of narrow-listed and broad-listed whites.

The penalty of the clothiers offending.

cloth to be made withinary of the said counties, or elsewhere of like making, called broad-listed whites, being well scoured, thicked, milled and fully dried, shall contain in weight any less than sixty-three pounds at the least; (3) or if any of the said clothes, called narrow-listed or broad-listed whites, shall contain in length any more than twenty and eight yards at the most; (4) that then every of the said clothiers therein offending shall incur double such penalties and forfeitures for every pound so wanting of the several weights above limited, and for every yard so exceeding in length, and not weighing after such rate as is before expressed, as by the said statute of the fourth and fifth years of King Philip and Queen Mary is provided and appointed. (5) This act to endure and continue for the space of five years next after the end of this session of this present parliament, and from the end of the said five years, until the end of the next session of parliament then next ensuing. *Made perpetual by 35 El. c. 7. s. 30. but by 43 El. c. 10. repealed as to the over lengths of clothes,*

C A P. XVIII.

An act concerning the making of woollen clothes in the counties of Devon and Cornwall, called plain white straight, and pinned white straight.

Part of the statute of 5 & 6 Ed. 6. c. 6. and the whole statute of 7 Ed. 6. c. 9. restraining the putting of hair, flocks or lambs wool into plain white straights, and pinned white straights made in Devon and Cornwall, repealed, &c.

WHERE in the parliament upon prorogation holden at Westminster the twenty-third of January in the fifth year of the reign of the late King of famous memory, Edward the Sixth, one act was made for the making of woollen clothes; by which act, amongst other things it was enacted, That from and after the feast of St. Michael the archbangel next ensuing the making of the said act, no person or persons should put any hair, flocks, or any yarn of lambs-wool into any cloth, kersie, frize or cotton made and sold, or offered to be sold, as in the said act is expressed, upon pain to forfeit every such cloth, kersie, frize and cotton, wherein any such yarn, hair or flocks should be put, or the value of such cloth, kersie, frize or cotton, as by the said act it doth and may appear:

II. And whereas by another act made in the parliament holden at Westminster in the seventh year of the reign of the said late King, intituled, An act for the making of plain white straights, and pinned white straights in Devon and Cornwall, the said former act was altered, and liberty given to the makers of the said clothes, called plain white straights, and pinned white straights, to use in making of the said clothes, flocks, hair or yarn made of lambs-wool; and by the said statute divers rules and orders were appointed for making of the said clothes, called plain white straights, and pinned white straights, as by the said statute doth appear: (2) now for that the orders and rules both by the said statute made in the said fifth year, as also in the said seventh year of the said late King Edward the Sixth, tend to the utter undoing and decay of great numbers and multitudes of people which live by the trade of clothing, and are not profitable any longer to be kept in these counties and places, where the said clothes, called plain white straights and pinned white straights, are usually made, the same clothes being but a base and coarse kind of clothes, usually made for
the

the use of poor people beyond the seas, and most commonly shipped into Britain, and there uttered for a merchandise, to serve the use of the poorer sort there: (3) and especially for that sithence the making of the said statutes, the yarn wherewith the said clothes, called plain white straights and pinned white straights, are usually made, sa the great benefit of the poor people where the same are made, is grown smaller and finer, whereby many more poor people are set on work with spinning of the same, than either at or before the making of any the said several statutes they were; so that the weight, length and breadth cannot agree as before it did in making of the said clothes.

III. Be it therefore enacted by the Queen's majesty our sovereign lady, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the branch made in the said fifth year, which prohibiteth putting of hair, flocks or yarn made of lambs-wool into any cloth or frize, having regard unto the said clothes, called plain white straights and pinned white straights; be utterly repealed and made void.

IV. And that the said statute also made in the said seventh year of the reign of the said late King, and every branch, article and clause therein, be from henceforth utterly repealed and void for ever.

V. And that it be further enacted, That from henceforth it shall be lawful to all and every the Queen's majesty's subjects inhabiting, or which shall hereafter inhabit, within the said counties of Devon and Cornwall, as well in towns corporate, market-towns or elsewhere, to weave and make the said clothes, called plain white straights and pinned white straights, and to use and occupy in making of the said clothes, called plain white straights and pinned white straights, flocks, hair and yarn made of lambs-wool, (2) and to have, keep and use in his or their houses three looms, and not above, for making of the clothes aforesaid, (3) and to make the same clothes of such length, weight and breadth, as the merchant shall like or accept, to buy the same for merchandises, or appoint the same to be made for the use and most acceptable allowance of the country people where the same shall be transported for merchandises, for that in truth none of the same are worn or occupied within this realm; the said statute made in the said fifth year of the reign of the said late King Edward the Sixth, or any other law or statute heretofore made to the contrary notwithstanding.

VI. Provided always, That in defrauding of her Majesty's custom, no piece of the said clothes shall be made above twelve pounds in weight, or above fourteen yards in length, or one yard in breadth, (2) upon pain of forfeiture of all such clothes made over and above the said length, breadth or weight, or the value thereof: the one moiety to the Queen's majesty, her heirs and successors, and the other moiety thereof to him that will sue for the same by writ, bill, plaint or information in any court of record, wherein no essoin, protection or wager of law shall be allowed. 43 Eliz. c. 10.

What stuff may be put into cloth made in Devon and Cornwall.

How many looms a workman may keep in his house in Devon, &c.

The weight, length and breadth of certain clothes made in Devon and Cornwall.

CAP. XIX.

An act for the preservation of timber in the weilds of the counties of Suffex, Surrey and Kent, and for the amendment of hightways decayed by carriages to and from iron-mills there.

No new iron-mills shall be made in Suffex, Surrey or Kent, nor shall good timber be consumed by the making of iron, and the hightways there shall be repaired and amended.

7 Eliz. c. 15.

23 Eliz. c. 5.

Timber shall not be employed to the making of iron.

The forfeitures for the offences aforesaid.

WHEREAS by the over great negligence or number of iron-works which have been and yet are in the weilds of the counties of Suffex, Surrey and Kent, it is thought that the great plenty of timber which hath grown in those parts hath been greatly decayed and spoiled, and will in short time be utterly consumed and wasted, if some convenient remedy therein be not timely provided: (2) Be it therefore enacted by our sovereign lady the Queen's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no person or persons, from and after the feast of *Easter* next after the end of this present session of parliament, shall make, erect, build or new set up, at or in any place within the counties of *Suffex, Surrey or Kent* or any of them, any manor of iron-mills, furnace, finary or blomary, for the making and working of any manner of iron or iron metal, other than either upon such old and former bays or pens, whereupon hath lately been, or at the time of the new erection shall be then standing some iron-mills, furnace or hammer, or else in and upon such lands as the party or parties so erecting any such intended new work, shall continually furnish the same with sufficient supply of his or their own proper woods standing or growing in and upon his or their own proper soil or land, being to him or them in fee-simple, fee-tail, or for term of life or lives without impeachment of waste at the least and not otherwise; (3) nor shall convert or employ, or cause to be converted or employed, to coals or other fuel, for the making or working of iron or iron metal, in or about any manner of iron mills, furnace, hammer, finary, forge or blomary, the body or bodies of any sound timber tree or trees, apt for the making of good and sufficient cleft wares, or sawing timber of oak, ash or elm, growing of the breadth or bigness of one foot square at the stub, or any part of the same body or bodies of any such tree or trees; (4) upon pain of forfeiture for every iron-mill, furnace, forge, finary or blomary, made, erected, builded or set up, contrary to the tenor and true meaning of this act, the sum of three hundred pounds; (5) and for every body of every such timber tree so employed or converted to coal or other fuel, for the making or working of iron, as is aforesaid, the sum of forty shillings of lawful money of *England*; (6) the one half of which forfeitures to be to our sovereign lady the Queen's majesty, her heirs and successors, and the other half to him or them that will sue for the same by original writ, bill, plaint or information, wherein no essoin, protection or wager of law shall be admitted or allowed.

II. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the

the owners of ſuch trees (the bodies whereof have been or ſhall be from time to time converted or employed to or for any manner of timber or cleſt ware within the weilds of *Suffex*, *Surrey* or *Kent*, or any of them, the ſame not being within eighteen miles of the city of *London*, or eight miles of the river of *Thames*, or four miles from the towns of *Rye* and *Wincheſey*, or within three miles of *Haftings*, or within four miles of the foot of the hills called the *Downs* between *Arundel* and *Pemſey* in the county of *Suffex* aforeſaid, or any of them) to employ the tops and offals of all ſuch trees to or for coals or other fuel ſerving to or for iron-works, at their own will and pleaſures; this ſtatute or any other to the contrary hereof in any wiſe notwithstanding. (2) And forasmuch as the highways in the ſaid counties of *Suffex*, *Surrey* and *Kent*, are in many places greatly impaired and ſpoiled by means of carriages of coals, mines and iron, to and from the iron-works in the ſaid counties, to the great hindrance of the common paſſages of the Queen's majeſty's ſubjects travelling through the ſame: (3) for remedy whereof, be it further enacted by the authority aforeſaid, That the occupiers of all manner of iron-works whatſoever, as owners or farmers of the ſame, by or for any eſtate or eſtates of inheritance, for life, lives, or for term of year or years, which ſhall at any time hereafter carry or cauſe to be carried any coals, mine or iron, to or for any their iron-works, between the twelfth day of *October* and the firſt day of *May* yearly, ſhall likewiſe yearly carry and lay, or cauſe to be carried and laid, for every fix loads of coals or mine, as well as alſo for every tun of iron, which ſhall be carried by any manner of wain or cart, between the ſaid twelfth day of *October* and the firſt day of *May* yearly, by the ſpace of one mile thorow any highways, being under any the hills commonly called the *North-Downs* of *Surrey* and *Kent*, to or from any manner of iron-work, one uſual cart-load of cinder, gravel, ſtone, ſand or chalk, meet for the repairing and amending of the ſaid highways, to be laid and employed in ſuch place and places of the ſaid highways, as by any juſtice of peace of any of the counties aforeſaid, dwelling near unto the places where the highways within the limits aforeſaid ſhall be moſt annoyed by any the means aforeſaid, according to the greater and more preſent neceſſity, ſhall be appointed or aſſigned; (4) or elſe pay or cauſe to be paid, for and in allowance of every cart-load, in manner and form aforeſaid to have been ſo carried and laid, two ſhillings and ſix-pence within eight days after the demand thereof, to the hands of the ſaid juſtice of peace or his aſſignee, the ſame to be levied after default of payment upon the demand thereof from time to time upon ſuch iron as ſhall be by and thorow the ſame highways ſo carried, by way of diſtreſs. (5) And if ſuch juſtice of peace, by reaſon of abſence or other occaſion, do not or ſhall not within forty days next after the ſaid firſt day of *May* yearly, aſſign or appoint where and in what place of the highways the ſaid cinder, gravel, ſtone, ſand or chalk, to be carried as aforeſaid, ſhall be

What tops or offals of timber may be employed to iron-works.

A remedy for the repair of highways in Suffex, Surrey and Kent. Repealed by 39 Eliz. c. 19. as to highways in Surrey and Kent.

Two ſhillings and ſix-pence ſhall be in lieu of every cart-load of gravel, &c. uncarried.

laid,

In what cafe the surveyors fhall appoint where the gravel fhall be laid.

laid, or where and how the money thereof due or fo paid, fhall be employed and beftowed; that then the fame cinder, gravel, ftone, fand or chalk, fhall be laid and employed by fuch perfon and perfons as by this act are to carry and lay the fame, or to caufe the fame to be carried and laid, in fuch place and places of the highways, as the surveyors of the highways within the parifh for the time being, where the highways fhall be moft annoyed, as is aforefaid, fhall affign or appoint; (6) or in default thereof pay to the faid surveyors for every fuch load due and uncarried, two fhillings fix-pence, in manner and form aforefaid; (7) upon pain of forfeiture of ten fhillings for every load of cinder, gravel, ftone, fand or chalk not carried, laid and employed in the highways, or two fhillings and fix-pence unpaid, as is aforefaid, to be forfeited and paid by the perfon and perfons which by this act ought to carry and lay, or caufe to be carried and laid, the cinder, gravel, ftone, fand or chalk, or therefore to have paid, as is aforefaid, after due prefentment and conviction thereof had before the juftices of *oyer* and *terminer*, or juftices of peace in any of their open feffion or feffions to be holden before them or any of them: (8) all which fum and fums of money to be forfeited by reason of this act, for or in default of carriage and laying of the faid cinder, gravel, ftone, fand or chalk, or payment thereof due as aforefaid, fhall be likewise beftowed and employed upon the amendment and repairing of the highways in the faid parifhes where the caufe of forfeiture by default or refusal grew, and was given at, at and by the difcretion of any fuch juftice of peace as fhall dwell and be refiant next unto the place or places being moft annoyed by the carriages aforefaid, and where the money therefore due fhould have been paid, as aforefaid; (9) and the fame to be levied by way of diftreffs by any conftable, tything-man, headborough, or other officer thereunto to be affigned by warrant made in open feffions by any clerk of the peace of the county where any the offence or offences aforefaid fhall be committed, or by any two juftices of the peace whereof one to be of the *quorum*, which were prefent at the feffions wherein the faid conviction of or for any the offences aforefaid fhall be had: (10) and if no fufficient diftreffs can be found by the faid officer appointed to levy the fame, or if the faid offender fhall obftinately refufe to pay the fame forfeiture, or do not pay the fame within twenty days after a lawful demand of the fame by the faid officer to be appointed for the levying thereof as aforefaid; that then every perfon fo denying or refufing, and not paying the fame forfeiture within twenty days as aforefaid, to forfeit the double fum he fhould before have paid, to be levied by fuch ways and means as to two of the juftices of peace of the fame county where the faid offence fhall be committed, whereof one to be of the *quorum*, fhall be thought moft meet; (11) the fame forfeiture to be likewise employed upon the amendment of the highways, as the other forfeiture fhould have been, if the fame had been levied according to the true intent and meaning of this ftatute.

How the forfeitures fhall be employed.

A remedy where the offender doth not pay the forfeiture.

CAP. XX.

It shall be lawful to the mayor and commonalty of Plymouth in the county of Devon, and their successors, to dig and mine a trench or ditch, containing in breadth betwixt six or seven feet over in all places, through all the grounds lying between the town of Plymouth and any part of the river of Mew, for the necessary conveying of the said river to the said town, and to do reparations and make all things necessary, whereby the river may be brought and continue unto the said town, without the let of any person; the said mayor and commonalty paying to the owners and farmers of the said grounds the value of the ground so digged, to be assessed by two justices of assise; but the said river shall not be conveyed through any person's house, orchard or garden, nor to the hindrance of the water-course of any mill, without the owner's consent:

CAP. XXI.

It shall not be lawful to any person to set any net with any boat called a stalboat, or other boat or vessel whatsoever, within the entry or mouth of Orford haven in the county of Suffolk, or in the gull, being a branch of the said haven, except the mask or shale of every such net throughout the whole do contain two inches and a half at the least in the wideness from knot to knot, upon pain to forfeit the net so set, or the value thereof, and five pounds to the Queen and I. to be recovered by A. B. P. or F. wherein no W. and P. &c. Stat. 4 H. 7. c. 21.

CAP. XXII.

It shall be lawful to the mayor and citizens of the city of Chichester in the county of Suffex, their successors and assigns, at any time hereafter to lay out so much ground in such places as they shall think most meet for that purpose, for the making of a new chanel, from such place of the haven of the said city unto the suburbs thereof, between the Dell-Key there and a place called Fishborn, and in such length and breadth throughout, as to them shall seem necessary, for the conveying the water along the chanel, unto the suburbs; and also to enter into any lands within half a mile of the said new chanel, where any brookes, waters streams or springs shall be, and to assign and lay out such quantity thereof as shall be convenient to bring the same brookes, &c. into the said chanel.

CAP. XXIII.

An act for the clothiers of Boxted in the county of Essex. 4 & 5 P. & M. c. 3. repealed by 21 Jac. 1. c. 28.

CAP. XXIV.

An act for repairing and maintaining of the sea-banks and sea-works on the sea-coasts in the county of Norfolk.

WHEREAS in the parliament holden at Westminster in the second and third years of the reign of the late King Philip and Queen Mary, one act was made and ordained for the amending and maintaining of highways; which said act having no longer continuance but for seven years after the end of the same parliament, was afterwards by one other act of parliament made in the fifth year of the Queen's majesty's reign that now is, revived to have further continuance for a certain time yet enduring; in which said act made in the fifth year, and one other act made in the eighteenth year of her Majesty's reign, there were contained divers further additions and ordinances, tending to the amendment and maintenance of the said highways: (2) and whereas the sea-banks and sea-works in sundry parts of the sea-coasts within the county of Norfolk, (not being within the particular charge

This act is not on the roll.
2 & 3 Ph. & M. c. 8.
5 Eliz. c. 13.
18 Eliz. c. 10.

of any perfon or perfons, or of any townfhip, or to be maintained by any other common charge) are by the working of the fea ruined and decayed, to the great hurt and prejudice of many townfhips within three miles of the faid banks and fea-works, and likely daily more and more to grow in ruin and decay, if convenient remedy be not provided in that behalf: (3) and whereas the highways within three miles of the faid fea-banks and fea-works be fo gravelly and fandy, as neither need nor require for the amendment of the fame fo many of the faid day-works as be limited and appointed by the faid ftatutes, the furplufage of which faid day-works, if it might be yearly employed towards the repairing, amending and maintenance of fuch of the faid fea-banks and fea-works as are not or ought not to be made and maintained at the particular charge of any perfon or perfons, or at the charge of any townfhip, or by acre-fhot or other common charge, would be a fingular benefit and help to the aforefaid townfhips within three miles of the faid fea-banks and fea-works fo yearly to be made and maintained:

The juftices of peace in Norfolk fhall take order for the repair of fea-banks and fea-works within the fame county.

II. For remedy whereof, be it enacted and ordained by authority of this prefent parliament, That from and after the feaft of Pentecoft now next enfuing, the juftices of peace within the faid county of Norfolk fhall and may yearly, at any general feffions to be holden within the faid county, for and towards the making and amending of the faid fea-banks or fea-works (now being or that hereafter fhall be in ruin or decay) limit and appoint fo many of the aforefaid day-works, as by their difcretion fhall be thought fuperfluous, and not needful, to be employed towards the amendment of the aforefaid highways within three miles of the faid fea-banks or fea-works, which fhall needfully require any fuch reparation or amendment.

Every perfon chargeable for the repair of fea-banks, as they ftand charged for the amending of highways.

III. And be it further enacted, That every perfon and perfons dwelling within three miles of the faid fea-banks and fea-works needfully to be amended as is aforefaid, fhall yearly upon reasonable warning given, during fo many days as fhall be limited and appointed in the faid feffions, in refpect of his and their labour and carriages, ftand and be in that degree charged and chargeable towards the making, repairing and amending of the faid fea-banks or fea-works, as by the aforefaid ftatutes they ftand charged and chargeable for the amendment of any highways; and that they and every of them for the not doing and performing the fame fhall incur the like pain, penalty and forfeiture as is contained in the aforefaid ftatutes made for the amendment of highways and every of them: (2) and that the faid juftices likewise in their aforefaid general feffions fhall and may nominate and appoint the high conftables of every hundred, that fhall be charged or chargeable by force of this act towards the making or amending of the faid fea-banks or fea-works, to beurveyors of the faid fea-works and fea-banks; (3) and that they and every of them fhall take upon them the execution of the faid charge and office, and duly perform the fame, upon fuch like pain and forfeitures as by the faid ftatutes or any of them, to be impofed upon anyurveyor or surveyors

The conftables of hundreds fhall beurveyors of fea-works.

veyors for not taking upon him or them the office of ſurveyor for the amending of highways: (4) and that every perſon and perſons which ſhall be yearly charged to the making and maintenance of the ſaid banks or ſea-works, ſhall be diſcharged of ſo many days towards the making of the ſaid highways, as ſhall be employed and beſtowed towards the making and amending of the ſaid ſea-works and ſea-banks; all the ſaid penalties and forfeitures to be levied in manner and form as in the ſaid ſtatutes are limited and appointed. (5) This act to endure and continue for the ſpace of five years, and from thenceforth unto the end of the parliament next enſuing the ſaid five years. 3 Car. 1. c. 4. continued until the end of the firſt ſeſſion of the next parliament, and farther continued by 16 Car. 1. c. 4.

They who ſhall be charged with the amend-ment of ſea-works ſhall be diſcharged of the repair of highways.

CAP. XXV.

As often as the rents or profits belonging to Rocheſter bridge in Kent ſhall not be ſufficient to bear the charge of the reparation thereof, the two wardens and more part of the twelve aſſiſtants ſhall tax all the contributory lands, rating every pariſh where thoſe lands be, proportionably at ſuch ſums of money, to be paid in ſuch manner, as by the ſaid wardens, &c. ſhall be appointed in writing under their hands and ſeals, for the which any perſon by them aſſigned may diſtrain and ſell the diſtreſſa. At the yearly election of the ſaid two wardens and aſſiſtants, two houſholders at the leaſt ſhall be preſent of every pariſh within ſeven miles of the ſaid bridge, wherein any contributory lands do lie, to give their voices at the ſame election. 9 H. 5. c. 12. 13 El. c. 17.

CAP. XXVI.

An act for explaining of the ſtatute for the amending of the highways between Middleton and the King's-ferry, leading into the Iſle of Sheppey, in the county of Kent.

WHEREAS at the parliament holden in the eighteenth year of the Queen's majeſty's reign that now is, there was one very neceſſary and profitable law then made, for the repairing and maintaining of the ferry and paſſage called the King's-ferry, within the Iſle of Sheppey, in the county of Kent, and for the uſual highway leading from the market-town called Middleton to the ſaid ferry, in and by which act or ſtatute for the repairing and amending the ſaid highway, leading from Middleton to the ſaid ferry being in great decay, it is amongſt other things enacted, That it ſhould be lawful from thenceforth yearly during the ſpace of ten years, for three juſtices of the peace whereof one to be of the quorum, next inhabiting to the ſaid town of Middleton within the ſaid county of Kent, reaſonably to aſſeſs and tax all and every land occupiers dwelling out of the ſaid iſle, and within four miles diſtant from the ſaid ferry, as to their diſcretions ſhould ſeem convenient, not exceeding the ſum of one penny, upon every acre of freſh marſh and upland in one year, and upon every ten acres of ſalt-marſh one penny in one year. And forasmuch as upon the letter of the ſame branch ſome doubt and queſtion hath riſen, whether the ſaid juſtices could ſeſs any but ſuch as be land occupiers, and dwelling out of the ſaid iſle, and within four miles diſtant of the ſaid ferry; and that thereby the taxation by them to be made by the letter of the ſaid law, will not ſuffice to repair the ſaid decayed

Highways

Three justices of peace inhabiting within eight miles of Middleton in the county of Kent, may tax upon the grounds lying without the Ifle of Sheppey, and within four miles diftance from King's Ferry there, fuch affeffments towards the repair of the highway leading from Middleton to King's Ferry, as to them fhall feem reasonable, though the owners or occupiers of the faid grounds be dwelling without the compafs of four miles: So as of every year no acre of frefh marfh be rated above a peny, nor ten acres of falt marfh above a peny; notwithstanding the ftatute of 18 Eliz. c. 10.

ways, for that the land and grounds lying out of the faid ifle, and within four miles diftant from the faid ferry are for the moft part occupied by fuch perfons as be inhabiting without the compafs of the faid four miles, by reafon whereof the faid highways remain ftill unrepaired, and not amended, and are grown into further decay than at the time of the making of the faid ftatute they were, to the great danger and annoyance of the Queen's majefty's fubjects paffing by and through the fame. For the better explanation of the faid ftatute, and for the redrefs of the faid ways, be it now enacted by the Queen our fovereign lady, the lords fpiritual and temporal, and the commons; in this prefent parliament affembled, and by the authority of the fame, That yearly from henceforth for ever between the feaft of *Eafter* and the feaft of *Pentecoft* it fhall and may be lawful to and for *fix, five, four and three* justices of the peace, whereof one to be of the *quorum*, inhabiting within eight miles of the faid town of *Middleton*, within the faid county of *Kent*; to affefs and tax upon all and every the lands and grounds lying and being without the faid ifle, and within *four miles* diftant from the faid ferry, fuch affeffments and taxations for and towards the repairing and amending the faid highways as to them fhall feem reasonable, notwithstanding that the owners or occupiers of the fame lands or grounds be dwelling without the compafs of the faid four miles, fo that the fame affeffments and taxations exceed not above one *peny* for every acre of frefh marfh and upland for one year, and not above one peny for every ten acres of falt marfh for one year, the faid former and any other article, branch or thing therein contained to the contrary thereof notwithstanding. And that the faid taxations and affeffments fhall be *levied* and employed for and towards the repairing of the faid highway, by fuch perfon and perfons dwelling out of the faid ifle within *four* miles of the faid ferry, as by the faid justices that fhall affefs and tax the fame fhall be *limited and appointed*, and the fame perfon and perfons fo to be appointed to have like power and authority for the levying thereof by diftrefs in fuch manner and form as is limited to the faid ferry warden, by the faid recited ftatute for the levying and gathering of affeffments within the faid ifle, and the faid perfon and perfons fo to be appointed to account and to deliver the arrearages thereof, (if any happen to be) to the faid justices at fuch time and place as by them fhall be appointed.

CAP. XXVII.

Liberty continued to certain perfons for fix years, for the inning of Earith, Lefnes and Plumfted marfhes in the county of Kent: the moiety of all the lands fo to be recovered and inned, affured to the inners and their heirs, in refpect of their charges, and alfo the eighth part of the other moiety: they fhall hold it of the Queen, as of the manor of East-Greenwich in focage by fealty, paying a peny an acre yearly, and fhall pay no tithe for feven years. 23 El. c. 13. 4 Jac. 1. c. 8.

CAP. XXVIII.

A confirmation of a fubfidy of fix fhillings in the pound granted to the Queen by the clergy, to be paid in three years. EXP.

CAP. XXIX.

One entire subsidy and two fifteens granted to the Queen by the temporality. EXP.

CAP. XXX.

The Queen's general free pardon confirmed by parliament, except, &c. EXP.

Anno vicesimo nono Regina ELIZABETHÆ.

AT this present session of parliament begun the twenty-^a Mod. 249. ninth day of October * in the eight and twentieth year of our reign, and by prorogation holden at Westminster the twenty third day of March in the nine and twentieth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued to the dissolution of the same, To the high pleasure of Almighty God, and the weal-publick of this realm, were enacted as followeth.

CAP. I.

A confirmation of the lawful and just convictions and attainders of Thomas lord Paget: F. E. C. P. F. T. W. S. A. B. T. S. E. I. E. A. C. T. C. T. R. B. I. C. and I. T. lately attainted of high treason by outlawry, verdict or confession: and they shall forfeit to the Queen all their manors, lands, offices, rights, conditions and hereditaments. Stat. 35 Eliz. c. 5. Attainder of lord Paget, &c.

CAP. II.

An act concerning errors in records of attainders of high treason.

FOrasmuch as through corruption or negligent keeping, the records of attainders of treason happen many times to be impaired, blemished or otherwise to be defective, be it ordained and enacted by the authority of this present parliament, That no record of attainder that now is of any person or persons of or for any high treason, where the party so attainted is or hath been executed for the same treason, shall by the heir or heirs of any such person, or by any other whatsoever claiming in, from, by or under any such heir or heirs, be in any wise hereafter reversed, undone, avoided or impeached by any plea, or for any error whatsoever. No record of attainder of treason shall be reversed where the party attainted is executed for the same. 3 Inst. 31.

II. Provided always nevertheless, That this act, nor any thing therein contained, shall in any wise extend to any record of attainder, of or for any treason, upon which any writ of error is now depending, or which record is already reversed, thereupon a writ of error depending,

* The older editions have, the fifteenth day of February, 29 Eliz. but it ought to be 29 October, 28 Eliz. See 4 Inst. 7. Raym. 1, 2. Skin. 364. Salk. 331. Lutw. 203, 1117.

repealed or undone, by or for any error, matter, plea or cause whatsoever; but that the same shall be and remain as unto and against that party at whose suit the same writ of error is depending, or at whose pursuit the same record hath been reversed, repealed or undone; and his and her heirs and assigns only, as if this act had never been had or made; any thing in this act to the contrary thereof notwithstanding,

CAP. III.

Every person which hath or claimeth to have any estate of inheritance, lease or rent, not already entered of record or certified in the exchequer, of, in, to or out of any manors, lands or hereditaments, by or under any grant or assurance whatsoever made since the beginning of the Queen's reign, by any of the persons attainted for matter tending to the hurt, death or destruction of the Queen, or to any actual rebellion or invasion, or for being adherent or giving aid or comfort to any of the Queen's enemies, since the eighth day of February in the eighteenth year of the Queen's reign, shall within two years after the end of this session of parliament, openly shew forth the same in the exchequer, and there in term time in open court exhibit the same assurance (or upon his oath affirming that he hath not, nor can come to the same, or that it was never put in writing) then the effect thereof in writing to be entered and inrolled of record; or else every such assurance shall be void to all intents. *Et sic ut supra.* 18 Eliz. c. 4.

CAP. IV.

An act to prevent extortion in sheriffs, under-sheriffs, and bailiffs of franchises or liberties, in cases of execution.

Palmer 400,
401.
Poph. 175.
1 Roll. 404.
Latch. 17, 54.
Noy 27.
How much
the sheriff
may take for
the serving of
an execution.
Moor 853.
pl. 1166.
2 Mod. 240.
1 Salk. 331,
332.
Moor 468.
Cro. El. 335,
654.
Cro. Jac. 103.
Cro. Car. 287.
The forfeiture
of the offender,
and how it
shall be re-
covered.

BE it enacted by the authority of this present parliament, That it shall not be lawful, from the first day of *May* now next ensuing, to or for any sheriff, under-sheriff, bailiff of franchises or liberties, nor for any of their or either of their officers, ministers, servants, bailiffs or deputies, nor for any of them, by reason or colour of their or either of their office or offices, to have, receive or take of any person or persons whatsoever, directly or indirectly, for the serving and executing of any extent or execution upon the body, lands, goods or chattels of any person or persons whatsoever, more or other consideration or recompence, than in this present act is and shall be limited and appointed, (2) which shall be lawful to be had, received and taken, that is to say, twelve pence of and for every twenty shillings, where the sum exceedeth not one hundred pounds, and six pence of and for every twenty shillings, being over and above the said sum of one hundred pounds, that he or they shall so levy or extend, and deliver in execution, or take the body in execution for, by virtue and force of any such extent or execution whatsoever, (3) upon pain and penalty that all and every sheriff, under-sheriff, bailiff of franchises and liberties, their and every of their ministers, servants, officers, bailiffs or deputies, which at any time after the said first day of *May* now next ensuing shall directly or indirectly do the contrary, shall lose and forfeit to the party grieved his treble damages, (4) and shall forfeit the sum of forty pounds

of good and lawful *English* money for every time that he, they or any of them shall do the contrary; the one moiety thereof to be to our sovereign lady the Queen, her heirs and successors, and the other moiety thereof to the party or parties that will sue for the same, by any plaint, action, suit, bill or information, wherein no essoin, wager of law or protection shall be allowed.

II. Provided always, That this act, or any thing therein contained, shall not extend to any fees to be taken or had for any execution within any city or town corporate; any thing above mentioned to the contrary thereof notwithstanding.

Fees for executions within cities or towns corporate.

CAP. V.

An act for the continuance and perfecting of divers statutes.

WHERE in the first session of parliament holden at Westminster the twelfth day of January in the fifth year of her Highness reign, an act was then and there made for the punishment of such persons as should procure or commit any wilful perjury; (2) and where in the parliament begun and holden at Westminster the second day of April in the thirteenth year of her Majesty's reign, an act was then and there made for the avoiding and abolishing of fained, covinous and fraudulent feoffments, gifts, grants, alienations, bonds, suits, judgments and executions, intituled, An act against fraudulent deeds, gifts, grants, alienations, &c.

5 El. c. 9.
13 El. c. 5.
Collusion,

II. And where also in the first session of the parliament begun and holden at Westminster the twelfth day of January in the said fifth year of her Highness reign, and from thence continued by prorogation until the dissolution thereof, there was one other act made for the reviving of a statute of 2 & 3 Philippi & Mariæ for the amending of highways; all which acts above-mentioned are by proof and experience tried and found to be very necessary and profitable for the common wealth of this realm: for which cause, be it enacted by the Queen's majesty, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said acts above remembered, and every of them, and all and every the branches, clauses and provisions in them and every of them contained, shall from henceforth be, remain and continue in force and effect for ever.

Ways.
5 El. c. 13.
2 & 3 Ph. & M.
c. 8.
The three former statutes made perpetual.

III. And where in the first session of parliament begun in the city of London the third day of November in the one and twentieth year of the reign of our late sovereign lord of famous memory, King Henry the Eighth, and from thence adjourned and prorogued to the palace of Westminster, an act or statute was made, intituled, An act for the true making of cables, halfers and ropes.

Ships.
21 H. 8. c. 18.

IV. And where in the parliament holden upon prorogation at Westminster the fourth day of February in the four and twentieth year of the reign of the said King, one other act was then and there made, intituled, An act against killing of young beasts, called weanlings.

Cattle.
24 H. 8. c. 9.

V. And where in the session of a parliament ended at Westminster the first day of February in the fourth year of the reign of our

Cattle.
3 & 4 Ed. 6.
late c. 19.

late sovereign lord King Edward the Sixth, one act was made concerning the buying and selling of rother-beasts and cattle.

VI. And also one other act was then and there likewise made, intituled, An act for the buying and selling of butter and cheese.

VII. And where also in the parliament begun at Westminster the three and twentieth day of January in the first year of the reign of the Queen's majesty that now is, and there continued by prorogation until the dissolution thereof, one act was then and there made, intituled, An act for preservation of spawn and fry of fish.

VIII. And where also in the first session of parliament holden at Westminster the twelfth day of January in the fifth year of her Highness's reign, one act was then and there made, intituled, An act for maintenance and increase of tillage.

IX. And one other act was then and there likewise made, intituled, An act for the avoiding of divers foreign wares, made by handicraftsmen beyond the seas.

X. And where also in the last session of the parliament holden by prorogation at Westminster the last day of September in the eighth year of her Majesty's reign, one act was then and there made, intituled, An act for bowyers and the prices of bows.

XI. And where also in the parliament begun and holden at Westminster the second day of April in the thirteenth year of her Majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases, to be made of ecclesiastical promotions with cure, intituled, An act touching leases of benefices, and other ecclesiastical livings with cure.

XII. And where also there was one other act and statute made in the said parliament begun and holden at Westminster the said second day of April in the said thirteenth year, intituled, An act that purveyors may take grain, corn or victuals within five miles of Cambridge and Oxford in certain cases.

XIII. And also one other act was then and there made, intituled, An act against usury.

XIV. And where in the parliament holden at Westminster the eighth day of May in the fourteenth year of her Highness's reign, there was one other act made, intituled, An act for the continuation, explanation, perfecting and enlarging of divers statutes; in which statute are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned.

XV. And where also in the first session of the parliament begun and holden at Westminster the eighth day of May in the fourteenth year of the Queen's highness's reign that now is, and from thence continued by prorogation to the dissolution thereof, there was one other act made, intituled, An act for the punishment of vagabonds, and for the relief of the poor and impotent.

XVI. And where in the parliament holden at Westminster aforesaid in the eighteenth year of her Majesty's reign, there was one other act made, intituled, An act for the setting of the poor on work, and for the avoiding of idleness,

XVII. And

XVII. *And where in the parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of her Majesty's reign, one other act was made for the reviving, continuance, explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations unto and of divers of the said former recited statutes, and other new provisions.*

27 Eliz. c. 21.
Continuance
of statutes.

XVIII. *And where in the said parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of the Queen's majesty's reign that now is, there was an act made for the levying of issues lost by jurors.*

Enquest,
27 El. c. 7.
Levying of
issues lost by
jurors.

XIX. *And whereas also in the parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of the Queen's majesty's reign that now is, there was one other act made, intituled, An act for the good government of the city or borough of Westminster: (2) forasmuch as all the same several acts and statutes, branches, clauses and provisions, and every of them, do seem good, beneficial and needful to the weal and profit of this realm; (3) be it therefore further enacted by the authority of this present parliament, That the foresaid several last recited statutes and acts, and the said mentioned branches, clauses, provisions, additions, alterations and explanations and every of them, and all and every article, clause and sentence in them and every of them contained, shall be continued and endure in full force and effect during the time hereafter mentioned, that is to say, till the end of the next parliament next ensuing.*

Franchise.
Anno 27 Eliz.
The last men-
tioned 17 sta-
tutes shall con-
tinue until the
end of the next
parliament.
EXP.

XX. *And where also in the first session of parliament, holden at Westminster the twelfth day of January in the said fifth year of her Majesty's reign, one act was then and there made, intituled, An act touching certain politick constitutions made for the maintenance of the navy; (2) be it further enacted by the authority of this present parliament, That so much only of the said last mentioned act, as at this present standeth in force, and not heretofore at any time repealed, shall continue and endure in full force and effect, unto the end of the next parliament next ensuing.*

Fifth.
5 Eliz. c. 5.
Politick con-
stitutions for
the mainte-
nance of the
navy.

XXI. *Provided always, That whereas divers her Majesty's loving subjects dwelling in the remote parts of this realm, are many times maliciously troubled upon informations and suits, exhibited in the courts of the King's bench, common pleas and exchequer, upon penal statutes, and are drawn up upon process out of the countries where they dwell, and driven to attend and put in bail, to their great trouble and undoings; (2) for reformation whereof, be it enacted, That if any person or persons shall be sued or informed against, upon any penal law in any the several courts of the King's bench, common pleas or exchequer, where such person or persons areailable by law, or where by the leave or favour of the court such person, or persons may appear by attorney, that in all and every such case, the person or persons so to be impleaded or sued, shall and may at the day and time contained in the first process served for his appearance, appear by attorney of the same court where the process is returnable, to answer and defend the*

The defend-
ant in suits
upon penal
statutes may
appear by
attorney.

This branch
extends not to
aliens.
31 Eliz. c. 10.
f. 20.

the fame, and not be urged to personal appearance, or to put in bail for the answering of fuch fuit; any former law, custom or ufage to the contrary notwithstanding.

C A P. VI.

An act for the more speedy and due execution of certain branches of the ftatute made in the twenty-third year of the Queen's majesty's reign, intituled, An act to retain the Queen's majesty's fubjects in their due obedience.

Certain affu-
rances of lands
made by re-
cufants fhall
be void to the
Queen.

In what courts
they fhall be
convicted.

23 Eliz. c. 1.

Moor 523.

pl. 691.

Lane 60, 91.

3 Roll. 7, 92,

93.

FOR avoiding of all frauds and delays heretofore practifed, or hereafter to be put in ure, to the hindrance of the due and speedy execution of the ftatute made in the feffion of parliament holden by prorogation at *Westminster* the fixteenth day of *January* in the three and twentieth year of the reign of our moft gracious fovereign lady the Queen's majesty, intituled, *An act to retain the Queen's majesty's fubjects in their due obedience*, (2) be it enacted by the authority of this prefent parliament, That every feoffment, gift, grant, conveyance, alienation, eftate, leafe, incumbrance and limitation of ufe, of or out of any lands, tenements or hereditaments whatsoever, had or made at any time fince the beginning of the Queen's majesty's reign, or at any time hereafter to be had or made, by any perfon which hath not repaired or fhall not repair to fome church, chapel or ufual place of common prayer, but hath forborn or fhall forbear the fame, contrary to the tenor of the faid ftatute, (3) and which is or fhall be revokable at the pleafure of fuch offender, (4) or in any wife directly or indirectly meant or intended, to or for the behoof, relief or maintenance, or at the difpofition of any fuch offender, (5) or wherewith or wheremy, or in confideration whereof, fuch offender or his family fhall be maintained, relieved or kept; (6) fhall be deemed and taken to be utterly frustrate and void, as againft the Queen's majesty, for or concerning the levying and paying of fuch fums of money as any fuch perfon by the laws or ftatutes of the realm already made ought to pay or forfeit for not coming or repairing to any church, chapel, or ufual place of common prayer, or for faying, hearing, or being at any maf; (7) and fhall alfo be feized and had to and for her Majesty's ufe and behoof, as hereafter in this act is mentioned; any pretence, colour, feigned confideration, or expreffing of any ufe, to the contrary notwithstanding.

Conviction of
recufancy fhall
be certified
into the ex-
chequer.

3 Roll. 108.

II. And further be it enacted by the authority aforefaid, That every conviction heretofore recorded for any offence before mentioned, not already eftreated or certified into the Queen's majesty's court of exchequer, fhall from the justices before whom the record of fuch conviction fhall be remaining, be eftreated and certified into the Queen's majesty's court of exchequer, before the end of *Eafter* term next coming, in fuch convenient certainty for the time and other circumftances, as the court of exchequer may thereupon award out procefs for feizure of the lands and goods of every fuch offender as hath not paid their faid forfeitures, according to the laws and ftatutes in fuch cafe provided; (2) and that every conviction hereafter for any offence

In what courts
convictions of

before

before mentioned shall be in the court commonly called the King's bench, or at the assizes, or general gaol-delivery, and not elsewhere, and shall from the justices before whom the record of such conviction shall remain, be estreated and certified into the said court of exchequer before the end of the term next ensuing after every such conviction, in such convenient certainty as is afore-mentioned,

III. And be it also enacted by the authority aforefaid, That every such offender in not repairing to divine service, but forbearing the same contrary to the said estatute, as hath been heretofore convicted for such offence, and hath not made submission; and been conformable according to the true meaning of the said statute, shall without any other indictment or conviction, pay into the receipt of the said exchequer, all such sums of money as according to the rate of twenty pounds for every month sithence the same conviction do yet remain unpaid, in form as hereafter ensueth; that is to say, the one moiety thereof before the end of the next *Trinity* term, and the other moiety thereof before the end of the next *Hillary* term, or at any such other times as by the lord treasurer, chancellor and chief baron of the exchequer, or any two of them, shall by composition, upon good bond and surety taken, be limited before the end of the said next *Trinity* term, if any such composition shall happen to be; (2) and shall also in every *Easter* and *Michaelmas* term, until such time as the same person do make submission, and be conformable according to the true meaning of the said statute, pay into the said receipt of the exchequer twenty pounds for every month which shall incur in all that mean time.

IV. And be it also enacted by the authority aforefaid, That every such offender, in not repairing to divine service, but forbearing the same contrary to the said estatute, as hereafter shall fortune to be thereof once convicted, shall in such of the terms of *Easter* or *Michaelmas* as shall be next after such conviction, pay into the said receipt of the exchequer after the rate of twenty pounds for every month, which shall be contained in the indictment whereupon such conviction shall be; (2) and shall also for every month after such conviction, without any other indictment or conviction, pay into the receipt of the exchequer aforefaid at two times in the year, that is to say, in every *Easter* term and *Michaelmas* term, as much as then shall remain unpaid, after the rate of twenty pounds for every month after such conviction: (3) and if default shall be made in any part of any payment aforefaid, contrary to the form herein before limited, That then and so often the Queen's majesty shall and may, by process out of the said exchequer, take, seize and enjoy all the goods, and two parts as well of all the lands, tenements and hereditaments, leases and farms of such offender, as of all other the lands, tenements and hereditaments liable to such seizure or to the penalties aforefaid, by the true meaning of this act, leaving the third part only of the same lands, tenements and hereditaments, leases and farms, to and for the maintenance and relief of the same offender, his wife, children and family.

recusancy shall be.

At what time the money forfeited for not going to church shall be paid.

3 Jac. 1. c. 4. l. 11.

The King may seize two parts of the offenders lands, &c. in lieu of the twenty pounds.

2 Roll. 30.

11 Co. 57.

The Queen may take all the offender's goods, and two parts of his lands and leases, who payeth not twenty pounds a month.

1 Roll. 94.

2 Roll. 25.

12 Co. 2.

Enforced by 1 Jac. 1. c. 4. l. 5.

V. And

V. And for the more speedy conviction of such offender, in not repairing to divine service, but forbearing the same contrary to the said estatute; (2) be it enacted by the authority aforesaid, That the indictment of every such offender, mentioning not the coming of such offender to the church of the parish where such person at any time before such indictment was or did keep house or residence, nor to any other church, chapel, or usual place of common prayer, shall be sufficient in the law; (3) and that it shall not be needful to mention in any such indictment, that the party offender was or is inhabiting within this realm of *England* or any other the Queen's majesty's dominions: (4) but if it shall happen any such offender then not to be within this realm or other her Majesty's dominions, that in such case the party shall be relieved by plea to be put in in that behalf, and not otherwise: (5) and that upon the indictment of such offender, a proclamation shall be made at the same assizes or gaol-delivery in which the indictment shall be taken, (if the same be taken at any assizes or gaol-delivery) by which it shall be commanded, that the body of such offender shall be rendred to the sheriff of the same county, before the said next assizes or general gaol-delivery to be holden in the same county: (6) and if at the said next assizes or gaol-delivery the same offender so proclaimed shall not make appearance of record, that then upon such default recorded, the same shall be as sufficient a conviction in law of the said offence whereof the party so standeth indicted, as is aforesaid, as if upon the same indictment a trial by verdict thereupon had proceeded and been recorded.

The indictment sufficient, though it be not mentioned that the party is within the realm. Godbolt 148. pl. 191. A proclamation that the party indicted shall yield his body to the sheriff. Palmer 39. Lutw. 201, 208.

The offender submitting, or dying, no forfeiture shall ensue. Savil 130.

VI. Provided always, That whensoever any such offender, as is aforesaid, shall make submission, and become conformable, according to the form limited by the same estatute made in the three and twentieth year of the Queen's majesty's reign, or shall fortune to die; That then no forfeiture of twenty pounds for any month, or seizure of the lands of the same offender, from and after such submission and conformity or death, and full satisfaction of all the arrearages of twenty pounds monthly, before such seizure due or payable, shall ensue or be continued against such offender, so long as the same person shall continue in coming to divine service, according to the intent of the said estatute.

VII. And where by the said former statute, the third part of the forfeitures for not coming to divine service is limited to the poor: (2) be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord treasurer of *England*, chancellor, and chief baron of the exchequer for the time being, or two of them, to assign and dispose of the full third part of the twenty pounds for every month paid or to be paid into the receipt of the exchequer, as is aforesaid, for the relief and maintenance as well of the poor, and of the houses of correction, as of impotent and maimed soldiers, as the same lord treasurer, chancellor and chief baron, or any two of them, shall order or appoint; any thing in the said estatute made in the said three and

The third part of the forfeiture assigned to the poor. 35 El. c. 1.

and twentieth year of her Majesty's reign mentioned to the contrary thereof in any wise notwithstanding.

VIII. Provided always, That this act, or any thing therein contained, shall not in any wise extend or be construed to make void or impeach any grant or lease heretofore made *bona fide*, without fraud or covin, whereupon any yearly rent or payment is reserved or payable; (2) or any grant or lease hereafter to be made *bona fide*, without fraud or covin, whereupon the accustomed yearly rent or more shall be reserved; (3) or any other conveyance, assurance or assignment whatsoever heretofore made *bona fide*, upon good consideration, and without fraud or covin, which is not or shall not be revokable at the pleasure of such offender; (4) otherwise than to give benefit and title to her Majesty, her heirs and successors, to have, perceive and enjoy such rents and payments during the continuance of such lease and grant, according to the true meaning of this act.

Assurances made bona fide, not impeached.

IX. And provided also, That this act, or any thing therein contained, shall not in any wise extend or be construed to continue any seizure of any lands or tenements of such offender in her Majesty's hands, or in the hands of her heirs or successors, after the said offender's death, which lands or tenements he shall have or be seized of only for term of his life, or in the right of his wife; any thing in this act to the contrary in any wise notwithstanding. 5 *El. c. 1.* 23 *El. c. 1.*

Seizure of lands, whereof the offender hath but an estate for life.

CAP. VII.

A subsidy of six shillings in the pound granted to the Queen by the clergy, to be paid in three years. EXP.

CAP. VIII.

A subsidy and two fifteenths granted to the Queen by the temporality. EXP.

CAP. IX.

A confirmation of the Queen's general and free pardon. Except, &c. EXP.

Anno tricesimo primo Regina ELIZABETHÆ.

AT a session of parliament begun and holden at Westminster the fourth day of February in the one and thirtieth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. and there continued until the dissolution thereof, being the nine and twentieth day of March: to the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP.

CAP. I.

An act against discontinuances of writs of error in the courts of exchequer and King's bench.

WHEREAS by an estatute made in the xxxi year of the reign of King Edward the Third, it is enacted, that upon complaint concerning error made in the exchequer touching the King or other persons, the lord chancellor and lord treasurer shall do to come before them in any chamber of council nigh the exchequer, the record and process of the exchequer, and taking to them such justices and other sage persons, as to them shall be thought meet, shall hear and determine such errors; as by the said estatute more or large appeareth: and whereas

31 E. 3. stat. 1.
c. 12.
26 Car. 2. c. 2.

those two being great officers of the realm are employed, not only in their severall offices and places of justice elsewhere, but also for other weighty affairs of the realm in council, attendant on the Queen's majesty's person and otherwise, they be many times upon sudden warning called away, in such wise as they both many times, and sometimes neither of them, can be present in the exchequer at their day of adjournment in such suit of error; and then by not coming of them at the day of adjournment every such writ of error depending is by the laws of the realm discontinued, and the party cannot proceed, but must begin his suit of new, to the great loss of the party and hindrance of justice:

The not coming of the lord chancellor and lord treasurer shall be no discontinuance of writs of error.

for remedy whereof, be it ordained and enacted by authority of this present parliament, That the not coming of the lord chancellor and lord treasurer, or of either of them, at the day of adjournment in any such suit of error depending by virtue of the said former estatute, shall not be any discontinuance of any such writ of error: but if both the chief justices of either bench, or any one of the said great officers, the lord chancellor or lord treasurer, shall come to the exchequer chamber, and there be present at the day of adjournment in such suit of error, it shall be no discontinuance, but the suit shall proceed in law to all intents and purposes, as if both the lord chancellor and lord treasurer had come and been present at the day and place of adjournment: provided always, that no judgment shall be given in any such suit or writ of error, unless both the lord chancellor and lord treasurer shall be present thereat.

No judgment to be given unless both the lords be present.

27 El. c. 8.

II. *And whereas in the parliament holden in the xxvii year of the reign of our most gracious sovereign lady the Queen's majesty, one act or statute was made, intituled, An act for redress of erroneous judgments in the court commonly called the King's bench; by which it is amongst other things enacted, That where any judgment shall at any time then after be given in the said court of King's bench, in any suit or action of debt, detinue, covenant, account, action upon the case, ejectione firme, or trespass, first commenced or to be first commenced there, other than such only where the Queen's majesty shall be party; the party plaintiff or defendant, against whom any such judgment shall be given, may at his election sue forth out of the court of chancery a special writ of error to be devised in the said court of chancery, directed to the chief justice of the said court of King's bench*

bench for the time being, commanding him to cause the said record, and all things concerning the said judgment, to be brought before the justices of the common bench and the barons of the exchequer, into the exchequer-chamber, there to be examined by the said justices of the common bench and barons aforesaid. Which said justices of the common bench, and such barons of the exchequer as are of the degree of the coif, or six of them at the least, by virtue of the same act shall thereupon have full power and authority to examine all such errors as shall be assigned or found in or upon any such judgment, and thereupon to reverse or affirm the said judgment, as the law shall require, other than for errors to be assigned or found for or concerning the jurisdiction of the said court of King's bench, or for any want of form in any writ, return, plaint, bill, declaration, or other pleading, process, verdict, or proceeding whatsoever: forasmuch as it doth many times fall out, that the full number of the said justices of the common bench and barons of the exchequer, so authorized by the said statute, sometimes for want of health, sometimes through other weighty services and earnest occasions, cannot be present at the days and times of the returns and continuances of the same writs of error; and by reason of their absence and not coming, the said writs of error are discontinued, justice delayed, and the parties put to begin new suits, to their great charges and prejudice: for remedy thereof, be it also enacted by the authority aforesaid, That from henceforth, if the full number of the justices and barons authorized by the said act come not at the day or time of return or continuance of any such writ of error, that it shall be lawful for any three of the said justices and barons, at every of the said days and times, to receive writs of error, to award process thereupon, to make and prefix days from time and time of and for the continuance of all such writs of error as shall be there returned, certified or depending. And that the same shall be to these respects as good and available as if all the justices and barons authorized by the same act were present. And that the justices and barons authorized by the said statute, may after that proceed in all those cases, in such sort to all intents, as they may do in other cases mentioned in the said statute; any not coming of any the said justices or barons notwithstanding.

III. Provided nevertheless, That no judgment shall be given in any such suit or error, unless it be by such full number of the said justices and barons as are in that behalf authorized and appointed by the said act.

IV. Provided also, and be it nevertheless enacted by the authority aforesaid, That the party plaintiff or defendant, against whom any such judgment hath been heretofore or hereafter shall be given in the said court of King's bench, may at his election sue in the high court of parliament for the reversal of any such judgment as heretofore hath been usual or accustomed; any thing in this statute, or in the said former act to the contrary thereof notwithstanding.

Three justices and barons may receive and continue writs of error, &c.

Judgment may be given by six justices and barons.

The plaintiff in error may have his writ returnable in parliament at his election.

16 Car. 2. c. 2.

C A P. II.

An act for abridging of proclamations upon fines to be levied at the common law.

A fine levied in the common pleas shall be proclaimed four times, viz. every term once, for four terms.

4 H. 7. c. 24.

1 R. 3. c. 7.

1 Mar. stat. 2.

c. 7.

2 Inst. 519.

WHEREAS the statute made in the fourth year of King Henry the Seventh hath ordained, That every fine to be levied with proclamations in the King's court, afore his justices of the common pleas, should be proclaimed in the same court that term in which it is engrossed, and in three terms then next following, at four several days in every term; by reason whereof they ought to be proclaimed four times in every of the four several terms: and that during the time of proclaiming of such fines, all pleas should cease; (2) which to do according to the said statute (considering the multitudes of fines now usually levied) would require sixteen days in every term; and by reason of the many causes and suits in that court, is a far greater trouble than heretofore hath been, so as scarcely one day in every term can be spared for the proclaiming of fines: (3) be it enacted by the authority of this present parliament, That all fines with proclamations, from and after the feast of Easter next ensuing, to be levied in the said court, shall be proclaimed only four times; that is to say, once in the term wherein it is engrossed, and once in every of the three terms holden next after the same ingrossing: (4) and that every fine proclaimed as aforesaid, shall be of as great force and effect in law to all intents and purposes, as if the same had been sixteen times proclaimed according to the statutes heretofore made.

C A P. III.

An act for the avoiding of privy and secret outlawries of the Queen's subjects.

Three proclamations shall be made in every action personal, wherein any writ of exigent shall be awarded, &c. 31 Eliz. c. 9. Goldsb. 128.

FOR the avoiding of secret outlawries in actions personal against the Queen's subjects having known places of their dwellings, by reason that proclamations are made in the county-courts and in quarter sessions, which are places remote from their dwellings, and thereby they have not any convenient notice of such suits against them: (2) be it enacted and ordained by the authority of this present parliament, That in every action personal wherein any writ of exigent shall be awarded out of any court, in or after the term of Easter next coming, one writ of proclamation shall be awarded and made out of the same court, having day of teste and return as the said writ of exigent shall have, directed and delivered of record to the sheriff of the county where the defendant at the time of the exigent so awarded shall be dwelling, which writ of proclamation shall contain the effect of the same action: (3) and that the sheriff of the county unto whom any such writ of proclamation shall be directed, shall make three proclamations in this form following, and not otherwise; that is to say, one of the same proclamations in the open county-court, and one other of the same proclamations to be made at the general quarter-sessions of the peace, in those parts where the party defendant

1 H. 5. c. 5.

dant at the time of the exigent awarded shall be dwelling, (4) and one other of the same proclamations to be made one month at the least before the *quinto exacti*. by virtue of the said writ of exigent, at or near to the most usual door of the church or chapel of that town or parish where the defendant shall be dwelling at the time of the said exigent so awarded; (5) and if the defendant shall be dwelling out of any parish, then in such place as aforesaid of the parish, in the same county, and next adjoining to the place of the defendant's dwelling; (6) and upon a *Sunday*, immediately after divine service and sermon, if any sermon there be; and if no sermon there be, then forthwith after divine service: (7) and that all outlawries had and pronounced after the end of the next *Easter* term, and no writs of proclamations awarded and returned according to the form of this statute, shall be utterly void and of none effect; and that the officer in whose office such writs of exigent and proclamation shall be made, shall and may take such fees as by the statute made in the sixth year of the reign of the late King of famous memory, King *Henry* the Eighth, is limited and appointed in that behalf, and no greater fees in any wise; (9) and that the sheriff for making of the proclamation at or near to the church or chapel-door as is aforesaid, shall have twelve pence.

The officer's fee for the making of the writ of proclamation by the stat. of 6 H. 8. c. 4. Br. Utlawry, 34. The sheriff's fee for making the proclamation at the church-door.

II. And for the avoiding of secret summons in real actions, without convenient notice of the tenants of the freehold, be it also ordained and enacted by the authority of this present parliament, That after every summons upon the land in any real action, fourteen days at the least before the day of the return thereof proclamations of the summons shall be made on a *Sunday* in form aforesaid, at or near to the most usual door of the churches or chapel of that town or parish, where the land whereupon the summons was made doth lie, and that proclamation so made as aforesaid, shall be returned, together with the names of the summoners: (2) and if such summons shall not be proclaimed and returned according to the tenor and meaning of this act, then no *grand cape* to be awarded but *alias* and *pluries* summons, as the cause shall require, until a summons and proclamation shall be duly made and returned according to the tenor and meaning of this act.

A proclamation shall be of the summons in a real action at the church-door.

Jones 7. pl. 6.

III. And be it further enacted, That before any allowance of any writ of error, or reversing of any outlawry be had by plea or otherwise, through or by want of any proclamation to be had or made according to the form of this statute, after the end of *Easter* term next, the defendant and defendants in the original action shall put in bail, not only to appear and answer to the plaintiff in the former suit, in a new action to be commenced by the said plaintiff for the cause mentioned in the first action, but also to satisfy the condemnation, if the plaintiff shall begin his suit, before the end of two terms next after the allowing the writ of error, or otherwise avoiding of the said outlawry.

The defendant upon a writ of error sued shall be bound to answer the plaintiff, and to satisfy the condemnation.

C A P. IV.

An act against the imbezelling of armour, habiliments of war and victual.

Imbezelling the Queen's ordnance, armour or victuals, to the value of twenty shillings, provided for soldiers, shall be felony.

3 Inst. 79.

Within what time the offender shall be impeached.

No corruption of blood nor forfeiture of the inheritance of lands or dower for this felony.

3 Inst. 47.

The defendant may bring proof for his discharge.

BE it enacted by the authority of this present parliament, That if any person or persons having at any time hereafter the charge or custody of any armour, ordnance, munition, shot, powder or habiliments of war, of the Queen's majesty's, her heirs or successors, or of any victuals provided for the victualing of any soldiers, gunners, mariners or pioneers, shall for any lucre or gain, or wittingly, advisedly, and of purpose, to hinder or impeach her Majesty's service, imbezil, purloin or convey away any of the same armour, ordnance, munition, shot or powder, habiliments of war, or victuals, to the value of twenty shillings at one or several times; that then every such offence shall be judged felony, and the offender or offenders therein to be tried, proceeded on, and suffer as in case of felony.

II. Provided always, and be it enacted by the authority aforesaid, That none shall be impeached for any offence against this statute, unless the same impeachment be prosecuted or begun within the year next after the offence done: (2) And that this act, nor any thing therein contained, nor any attainder or attainders of any person or persons for any offence made felony by this act, shall in any wise extend to or be adjudged, interpreted or expounded, to make the offender or offenders to forfeit or lose any lands, tenements or hereditaments any longer than only during his or their life or lives, or to make any corruption of blood to any the heir or heirs of any such offender or offenders, or to make the wife of any such offender to lose or forfeit her dower, or title of dower, of or in any lands, tenements or hereditaments, or her action or interest to the same; any thing in this act contained, or any attainder or attainders hereafter to be had for any offence made felony by this act to the contrary notwithstanding: (3) And that such person and persons as shall be impeached for any offence made felony by this statute, shall by virtue of this act be received and admitted to make any lawful proof that he can, by lawful witness or otherwise, for his discharge and defence in that behalf; any law to the contrary notwithstanding. *Enforced by 22 Car. 2. c. 5.*

C A P. V.

An act concerning informers.

None restrained by order of any of the Queen's courts may be an informer.

FOR that divers of the Queen's majesty's subjects be daily unjustly vexed and disquieted by divers common informers upon penal statutes, notwithstanding any former statute that hath been heretofore made against their disorders; (2) For remedy whereof, be it enacted by the authority of this present parliament, That all former statutes made for reformation of disorders of such common informers, not repealed or altered by this act, shall be put in due execution: (3) And that no person, other than the party grieved

grieved, after twenty days after the end of this session of parliament, shall be received to inform or sue upon any penal statute, that before that time hath been for any misdemeanor, by any order of any the Queen's majesty's courts, ordered not to follow or pursue any suit upon any penal statute.

II. And be it further enacted by the authority aforesaid, That in any declaration or information at any time after twenty days after the end of this session of parliament to be had, brought, sued or exhibited, the offence against any penal statute shall not be laid to be done in any other county, but where the contract, or other matter alledged to be the offence, was in truth done: (2) And that every defendant in such action or information shall and lawfully may traverse and alledge, that the offence supposed by the same suit to be committed, was not committed in the county where such offence is alledged; which being tried for the defendant, or if the plaintiff be thereupon nonsuit in his information or suit, that then the plaintiff shall be barred in that action or information; any law or use to the contrary notwithstanding.

In information upon penal statutes the county where the offence was done must be expressed, &c. Many be disquieted by common informers. Informers restrained to sue by order of some court. 2. Anderf. 180. 3. Bullstr. 278. 736. Cro. Jac.

The county shall be expressed where the offence was done. Cro. El. 645, 85, 178. Hob. 184, 251, 327.

III. Provided always, That this act, nor any thing herein contained, shall in any wise extend to any such officers of record, as have in respect of their offices heretofore lawfully used to exhibit informations, or sue upon penal laws; (2) but that they and every of them may inform and pursue in that behalf, as they might have done before the making of this act; any thing in this act to the contrary in any wise notwithstanding.

Officers of record shall not be bound by this act.

IV. And provided also, That this act, nor any thing herein contained, shall extend to the laying or alledging of any offence in any declaration or information, for or concerning any chamberty, buying of titles or extortion, (2) or any offence committed or to be committed against the statute made in the first year of the Queen's majesty's reign, intituled, *An act limiting the times for laying on land merchandize from beyond the seas, and touching customs of sweet wines*; (3) and one other act made in the said first year of her Majesty's reign, intituled, *An act of a subsidy of tonnage and poundage*, or any thing in any of them contained; (4) or for the concealing, or defrauding the Queen's majesty, her heirs and successors, of any custom, tonnage, poundage, subsidy, impost or prizage; (5) or for any matter of corrupt usury; (6) or for any offence comprised in any statute made or to be made against engrossing, regrating or forestalling, where the penalty or forfeiture shall appear to be to the value of twenty pounds or above; (7) but that every such offence shall or may be laid in any county at the pleasure of any such informer; any thing in this act to the contrary notwithstanding.

Certain offences whereof information may be given in any county. 1. El. c. 11. 1. El. c. 20. 37 H. 8. c. 9. 13 El. c. 8. 5 & 6 Ed. 6. c. 14. 21 Jac. 1. c. 4. f. 2.

V. And be it further enacted by the authority aforesaid, That all actions, suits, bills, indictments, or informations, which after twenty days next after the end of this session of parliament shall be had, brought, sued or exhibited, for any forfeiture upon

Within what times suits upon penal statutes shall be pursued.

on any statute penal made or to be made, whereby the forfeiture is or shall be limited to the Queen, her heirs or successors only, shall be had, brought, sued or exhibited within two years next after the offence committed or to be committed against such act penal, and not after two years: (2) And that all actions, suits, bills or informations which after the said twenty days shall be had, brought, sued or commenced for any forfeiture upon any penal statute made or to be made, except the statute of tillage, the benefit and suit whereof is or shall be by the said statute limited to the Queen, her heirs or successors, and to any other which shall prosecute in that behalf, shall be had, brought, sued or commenced by any person that may lawfully pursue for the same as aforesaid, within one year next after the offence committed, or to be committed against the said statute; (3) and in default of such pursuit, that then the same shall be had, sued, exhibited or brought for the Queen's majesty, her heirs or successors, at any time within two years after that year ended. (4) And if any action, suit, bill, indictment or information for any offence against any penal statute made or to be made, except the statute of tillage, shall be brought after the time in that behalf before limited, that then the same shall be void and of none effect; any act or statute made to the contrary notwithstanding.

4 Mod. 129,
130.
Cro. Jac. 603.

Actions, informations, &c. limited by some statutes to be sued within a shorter time.

A repeal of the statute of 7 H. 8. c. 3. touching informations.

5 El. c. 4. Certain offences punishable only at the assises, quarter-sessions, or in a leet.
Raym. 154.

VI. Provided always, That where any action, information, indictment or other suit, is or shall be limited by any statute penal, to be had, sued, commenced or brought within shorter time than is afore rehearsed; that in every such case, the action, information, indictment or other suit shall be brought within the time limited by such estatute.

VII. And be it further enacted by the authority aforesaid, That one statute made in the seventh year of the reign of the late King of famous memory, King Henry the Eighth, concerning the time of bringing actions or informations upon penal laws, shall from and after twenty days after the end of this session of parliament be utterly repealed; (2) and that all suits from and after the said twenty days to be pursued upon any statute, for using any unlawful game, or for not using of any lawful game, (3) or for not having bows and arrows according to the law, (4) or for using any art or mystery in the which the party hath not been brought up according to the statute in that behalf made, (5) shall be sued and prosecuted in the general quarter-sessions of the peace, or assises, of the same county where the offence shall be committed, or otherwise inquired of, heard and determined in the assises, or general quarter-sessions of the peace of the same county where such offence shall be committed, or in the leet within which it shall happen, and not in any wife out of the same county where such offence shall happen or be committed. 18 El. c. 5. 27 El. c. 10. 21 Jac. 1. c. 4.

C A P. VI.

An act against abuses in election of scholars, and presentation to benefices.

WHEREAS by the intent of the founders of colleges, churches, colleges, churches cathedral, schools, hospitals, halls and other like societies within this realm, and by the statutes and good orders of the same, the elections, presentations and nominations of fellows, scholars, officers and other persons, to have room or place in the same, are to be had and made of the fittest and most meet persons, being capable of the same elections, presentations and nominations, freely, without any reward, gift or thing given or taken for the same: And for true performance whereof, some electors, presentors and nominators in the same, have or should take a corporal oath to make their elections, presentations and nominations accordingly; yet notwithstanding it is seen and found by experience, that the said elections, presentations and nominations be many times wrought and brought to pass with money, gifts and rewards, whereby the fittest persons to be elected, presented or nominated, wanting money or friends, are seldom or not at all preferred, contrary to the good meaning of the said founders, and the said good statutes and ordinances of the said colleges, churches, schools, halls, hospitals and societies, and to the great prejudice of learning, and the commonwealth and estate of the realm:

II. For remedy whereof be it enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That if any person or persons, bodies politick or corporate, which have election, presentation or nomination, or voice, or assent in the choice, election, presentation or nomination of any fellow, scholar, or any other person to have room or place in any of the said churches, colleges, schools, hospitals, halls or societies, shall at any time after forty days next after the end of this present session of parliament, have, receive or take any money, fee, reward or any other profit, directly or indirectly, or shall take any promise, agreement, covenant, bond or other assurance to receive or have any money, fee, reward or any other profit, directly or indirectly, either to him or themselves, or to any other of their or any of their friends, for his or their voice or voices, assent or assents, or consents, in electing, chusing, presenting or nominating any officer, fellow, scholar, or other person, to have any room or place in any of the said churches, colleges, schools, halls, hospitals or societies, that then and from thenceforth the place, room or office which such person so offending shall then have in any the said churches, colleges, schools, halls, hospitals or societies, shall be void: (2) And that then, as well the Queen's majesty, her heirs and successors, and every other person and persons, their heirs and successors, to whom the presentation, donation, gift, election, or disposition shall of right belong or appertain of any such of the said rooms or places of the said person offending as aforesaid, shall or may at their pleasure elect,

Elections, presentations, &c. in colleges, &c. wrought contrary to the intent of the founders.

Cro. Jac. 533.

3 Inst. 153.

1 Roll. 157,

236.

2 Roll. 83, 465.

The forfeiture of him who taketh reward for his voice in electing a fellow, scholar, &c. into a college, &c.

2 Bulstr. 182.

3 Bulstr. 88,

90.

Moor 877,

pl. 1231,

Hob. 75, 167.

1 Cro. 337,

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elect, present, nominate, place or appoint any other person or persons in the room, office or place of such person or persons so offending, as if the said person or persons so offending then were naturally dead.

The penalty for giving or taking of money for resigning a place in a college, society, &c. Hob. 165.

III. And be it further enacted by the authority aforesaid, That if any fellow, officer or scholar of any the said churches, colleges, schools, halls, hospitals or societies, or other persons having room or place in any of the same, shall at any time hereafter, directly or indirectly take or receive, or by any way, device or means, contract or agree to have or receive any money, reward or profit whatsoever, for the leaving or resigning up of the same his room or place, for any other to be placed in the same, that then every person so taking or contracting, or agreeing to take or have any thing for the same, shall forfeit and lose double the sum of money or value of the thing so received and taken, or agreed to be received and taken; and every person by whom or for whom any money, gift or reward as aforesaid shall be given or agreed to be paid, shall be incapable of that place or room for that time or turn; (3) and shall not be, nor had nor taken to be, a lawful fellow, scholar or officer of any of the churches, colleges, halls, hospitals, schools or societies, or to have such room or place there; (4) but that they to whom it shall appertain, at any time thereafter, shall and may elect, chuse, present and nominate any other person fit to be elected, presented and nominated into the said room or fellowship, as if the said person by or for whom any such money, gift or reward shall be given or agreed to be paid, were dead, or had resigned and left the same. (5) And for more sincere election, choice, presentation and nomination of fellows, scholars, officers and other persons, to have room or place hereafter in any of the said churches, colleges, halls, schools, hospitals, and other the like societies;

At every election this statute, and the statutes of the house shall be read.

Who shall have the forfeitures, and by what means.

IV. Be it further enacted by the authority aforesaid, That at the time of every such election, presentation and nomination hereafter to be had, as well this present act as the orders and statutes of the same places concerning such election, presentation or nomination to be had, shall then and there be publicly read, upon pain that every person in whom default thereof shall be, shall forfeit and lose the sum of forty pounds; (2) all which forfeitures shall and may be had and recovered in any her Majesty's courts of record by any person or persons, bodies politick and corporate, that will sue for the same, by bill, plaint or action of debt, in which no essoin, protection or wager of law shall be allowed: The one moiety whereof shall be to him or them that will sue for the same; the other moiety to the use of the said church, college, hall, hospital, school or society where such offence shall be committed. (3) And for the avoiding of simony and corruption in presentations, collations and donations of and to benefices, dignities, prebends, and other livings and promotions ecclesiastical, and in admissions, institutions and inductions to the same:

V. Be

V. Be it further enacted, by the authority aforesaid, That if any person or persons, bodies politick and corporate, shall or do at any time after the end of forty days next after the end of this session of parliament, for any sum of money, reward, gift, profit or benefit, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurances, of or for any sum of money, reward, gift, profit or benefit whatsoever, directly or indirectly, present or collate any person to any benefice with cure of souls, dignity, prebend or living ecclesiastical, or give or bestow the same, for or in respect of any such corrupt cause or consideration; that then every such presentation, collation, gift and bestowing, and every admission, institution, investiture and induction thereupon, shall be utterly void, frustrate and of none effect in law, (2) and that it shall and may be lawful to and for the Queen's majesty, her heirs and successors, to present, collate unto, or give or bestow every such benefice, dignity, prebend and living ecclesiastical for that one time or turn only; (3) and that all and every person or persons, bodies politick and corporate, that from thenceforth shall give or take any such sum of money, reward, gift or benefit, directly or indirectly, or that shall take or make any such promise, grant, bond, covenant or other assurance, shall forfeit and lose the double value of one year's profit of every such benefice, dignity, prebend and living ecclesiastical; (4) and the person so corruptly taking, procuring, seeking, or accepting any such benefice, dignity, prebend or living, shall thereupon and from thenceforth be adjudged a disabled person in law, to have or enjoy the same benefice, dignity, prebend or living ecclesiastical.

The penalty for presenting to a benefice, or for being presented for reward.
Co. Entr. 516.

3 Lev. 337.

VI. And be it further enacted, That if any person shall at any time after forty days next after the end of this session of parliament, for any sum of money, reward, gift, profit or commodity whatsoever, directly or indirectly (other than for usual and lawful fees) or for or by reason of any promise, agreement, grant, covenant, bond or other assurance, of or for any sum of money, reward, gift, profit or benefit whatsoever, directly or indirectly, admit, institute, instal, induct, invest or place any person in, or to any benefice with cure of souls, dignity, prebend or other living ecclesiastical; that then every such person so offending shall forfeit and lose the double value of one year's profit of every such benefice, dignity, prebend and living ecclesiastical; (2) and that thereupon immediately from and after the investing, installation or induction thereof had, the same benefice, dignity, prebend and livings ecclesiastical, shall be estfoons merely void: (3) And that the patron or person to whom the advowson, gift, presentation or collation shall by law appertain, shall and may by virtue of this act present or collate unto, give and dispose of the same benefice, dignity, prebend or living ecclesiastical, in such sort, to all intents and purposes, as if the party so admitted, instituted, installed, invested, inducted or placed, had been or were naturally dead.

The penalty for presenting or collating, or for being presented to a benefice with cure for reward.
2 Roll. 465.
Cro. El. 642.
Cro. Jac. 385.
Cro. Car. 339.

No title to confer by lapse, but after six months notice.

The penalty for corrupt resigning or exchanging of a benefice with cure of souls.

Penalties inflicted by the ecclesiastical law be not taken away by this statute.

The penalty for giving or taking of rewards to make ministers, or to give licence to preach.

VII. Provided always, That no title to confer or present by lapse shall accrue upon any voidance mentioned in this act, but after six months next after notice given of such voidance, by the ordinary to the patron.

VIII. And be it further enacted by the authority aforesaid, That if any incumbent of any benefice with cure of souls, after the end of the said forty days, do or shall corruptly resign or exchange the same, or corruptly take for or in respect of the resigning or exchanging of the same, directly or indirectly, any pension, sum of money, or benefit whatsoever; that then as well the giver, as the taker of any such pension, sum of money, or other benefit corruptly, shall lose double the value of the sum so given, taken or had; (2) the one moiety as well thereof, as of the forfeiture of double value of one year's profit before-mentioned, to be to the Queen's majesty, her heirs and successors, and the other moiety to him or them that will sue for the same, by action of debt, bill or information, in any of her Majesty's courts of record, in which no essoin, protection or wager of law or privilege shall be admitted or allowed.

IX. Provided always, That this act, or any thing herein contained, shall not in any wise extend to take away or restrain any punishment, pain or penalty limited, prescribed or instituted by the laws ecclesiastical, for any the offences before in this act mentioned, but that the same shall remain in force, and may be put in due execution, as it might be before the making of this act; this act or any thing therein contained to the contrary thereof in any wise notwithstanding.

X. Provided further, and be it enacted by the authority aforesaid, That if any person or persons whatsoever shall or do at any time after the end of this session of parliament, receive or take any money, fee, reward or any other profit, directly or indirectly, or shall take any promise, agreement, covenant, bond or other assurance, to receive or have any money, fee, reward or any other profit, directly or indirectly, either to him or themselves or to any other of their or any of their friends, (all ordinary and lawful fees only excepted) for or to procure the ordaining or making of any minister or ministers, or giving of any orders, or licence or licences to preach; that then every person and persons so offending shall for every such offence forfeit and lose the sum of forty pounds of lawful money of England; (2) and the party so corruptly ordained or made minister, or taking orders, shall forfeit and lose the sum of ten pounds: (3) And if at any time within seven years next after such corrupt entring into the ministry, or receiving of orders, he shall accept or take any benefice, living or promotion ecclesiastical, that then immediately from and after the induction, investing or installation thereof or thereinto had, the same benefice, living and promotion ecclesiastical shall be effsoons meerly void; (4) and that the patron or person to whom the advowson, gift, presentation or collation shall by law appertain, shall and may, by virtue of this act, present or collate unto, give and dispose of the same benefice,

nesse, living or promotion ecclesiastical, in such sort to all intents and purposes, as if the party so inducted, invested or installed, had been or were naturally dead; any law, ordinance, qualification or dispensation to the contrary notwithstanding: (5) The one moiety of all which forfeitures shall be to our sovereign lady the Queen, her heirs and successors, and the other moiety to him or them that will sue for the same, by action of debt, bill, plaint or information, in any of her majesty's courts of record, in which no essoin, protection, privilege or wager of law, shall be admitted or allowed. *Co. Lit.* 120. a.

Who shall have the forfeitures, and by what means.

C A P. VII.

An act against the erecting and maintaining of cottages.

FOR the avoiding of the great inconveniencies which are found by experience to grow by the erecting and building of great numbers and multitude of cottages, which are daily more and more increased in many parts of this realm; (2) be it enacted by the Queen's most excellent majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That after the end of this session of parliament, no person shall within this realm of England make, build or erect, or cause to be made, builded or erected, any manner of cottage for habitation or dwelling, nor convert or ordain any building or housing made or hereafter to be made, to be used as a cottage for habitation or dwelling, unless the same person do assign and lay to the same cottage or building four acres of ground at the least, to be accounted according to the statute or ordinance *de terris mensurandis*, being his or her own freehold [and]* inheritance lying near to the said cottage, to be continually occupied and manured therewith, so long as the same cottage shall be inhabited; (3) upon pain that every such offender shall forfeit to our sovereign lady the Queen's majesty, her heirs and successors, ten pounds of lawful money of England, for every such offence.

Penalty for building a cottage without four acres of land to it, and the like for placing or suffering inmates. 2 Bulstr. 264. Godbolt 383. pl. 470. 2 Inst. 736. Hob. 250. 1 Ventr. 107. 1 Sid. 359, 360.

* So in 2 Inst. 736. *Rast. Pult.* &c. and in the record, though in the later editions it is [or.]

II. And be it further enacted by the authority aforesaid, That every person which after the end of this session of parliament shall willingly uphold, maintain and continue any such cottage hereafter to be erected, converted or ordained for habitation or dwelling, whereunto four acres of ground, as is aforesaid, shall not be assigned and laid to be used and occupied with the same, shall forfeit to our said sovereign lady the Queen's majesty, her heirs and successors, forty shillings for every month that any such cottage shall be by him or them upholden, maintained and continued.

Cro. Jac. 603.

The forfeiture for continuing of a new cottage.

III. And be it further enacted by the authority aforesaid, That all justices of assizes and justices of peace in their open sessions, and every lord within the precinct of his leet, and none others, shall have full power and authority within their several limits and jurisdictions, to enquire of, hear and determine all offences

Who may hear and determine the offences aforesaid, and by what means.

contrary to this present act, as well by indictment, as otherwise by presentment or information; (2) and to award execution for the levying of the several forfeitures aforesaid by *Fieri facias, Elegit, Capias* or otherwise, as the cause shall require.

Cottages in cities or market-towns, or for workmen in mineral works, quarries, &c.

IV. Provided always, That this statute, or any thing therein contained, shall not in any wise be extended to any cottage which shall be ordained or erected to or for habitation or dwelling in any city, town corporate, or ancient borough or market-town within this realm, (2) nor to any cottages or buildings which shall be erected, ordained or converted to and for the necessary and convenient habitation or dwelling of any workmen or labourers in any mineral works, coal mines, quarries or delfs of stone or slate, or in or about the making of brick, tile, lime or coals within this realm; so as the same cottages or buildings be not above one mile distant from the place of the same mineral or other works, and shall be used only for the habitation and dwelling of the said workmen; (3) nor shall in any sort prejudice, charge or impeach any person or persons for the erecting, maintaining or continuing of any such cottages, as are before in this proviso mentioned and specified.

Certain cottages to which this statute shall not extend.

V. Provided always, That this act shall not extend to any cottage to be made within a mile of the sea, or upon the side of such part of any navigable river where the admiral ought to have jurisdiction, so long as no other person shall therein inhabit but a sailor, or man of manual occupation to or for making, furnishing or victualling of any ship or vessel used to serve on the sea; (2) nor to any cottage to be made in any forest, chase, warren or park, so long as no other person shall therein inhabit but an under-keeper or warrener, for the good keeping of the deer, or other game or warren; (3) nor to any cottage heretofore made, so long as no other person shall therein inhabit but a common herd-man or shepherd, for keeping the cattle or sheep of the town, or a poor, lame, sick, aged or impotent person; (4) nor to any cottage to be made, which for any just respect upon complaint to the justice of assize at the assizes, or to the justices of peace at the quarter-sessions, shall by their order entered in open assizes or quarter-sessions, be decreed to continue for habitation, for and during so long time only as by such decree shall be tolerated and limited.

More families than one may not be placed in one cottage, &c.

43 Eliz. c. 2. f. 5.

VI. Provided also, and be it enacted, That from and after the feast of *All-Saints* next coming there shall not be any inmate, or more families or households than one, dwelling or inhabiting in any one cottage, made or to be made or erected; (2) upon pain that every owner or occupier of any such cottage, placing, or willingly suffering any such inmate, or other family than one, shall forfeit and lose to the lord of the leet, within which such cottage shall be, the sum of ten shillings of lawful money of *England* for every month that any such inmate, or other family than one, shall dwell or inhabit in any one cottage as aforesaid: (3) and that all and every lord and lords of

leet and leets, and their stewards, within the precinct of his and their leet and leets, shall have full power and authority within their several leets to enquire, and to take presentment by the oath of jurors, of all and every offence and offences in this behalf; (4) and upon such presentment had or made, to levy by distress to the use of the lord of the leet all such sums of money as so shall be forfeited: (5) and moreover, that it shall be lawful for the lord of every such leet where such presentment shall be made, to recover to his own use any such forfeiture, by action of debt, in any of the Queen's majesty's courts of record, wherein no effoin, protection or wager of law shall be allowed.

35 *Eliz. c. 6.* 43 *Eliz. c. 2.*

The penalty for receiving an inmate. *Coke Entr.* 665.

C A P. VIII.

An act for the true gauging of vessels brought from beyond the seas, converted by brewers, for the utterance and sale of ale and beer.

WHERE beer and ale are now very commonly uttered, sold and put to sale by the beer-brewers and ale-brewers, as well within the city of London as elsewhere within the realm of England, in butts, pipes, puncheons, bogheads, tierces, and such other vessels brought from beyond the seas, which were never lawfully gaged for that purpose within this realm, to the great loss as well of the Queen's highness, as of her subjects: (2) be it therefore enacted by the authority of this present parliament, That no brewer shall after the end of forty days next after the end of this session of this present parliament, sell, utter or put to sale any beer or ale in any such vessel or vessels, within the city of London or suburbs of the same, or in any other place or places within two miles compass without the same suburbs, before the same shall be lawfully gaged, and the true content of every such vessel set down upon the same, by the gallon appointed and allowed for beer and ale, according to that standard, by the master and wardens of the art or mystery of freemen of the coopers of the city of London, or their deputy or deputies; (3) nor shall (after the time before limited) sell, utter, or put to sale any beer or ale in any such vessel or vessels, in any other place or places within the realm of England and Wales, before the same shall be lawfully gaged, and the true content of every such vessel set down upon the same by the gallon aforesaid, according to the standard, by such as by the statute in that behalf made in the three and twentieth year of the reign of the late King of famous memory King Henry the Eighth, are to have the gaging of barrels, kilderkins and firkins, made for beer or ale to be put in, in such other place or places within the realm of England and Wales; (4) upon pain to forfeit all and every such vessel or vessels wherein any beer or ale shall be uttered, sold, or put to sale, contrary to the true meaning hereof, and also all the beer or ale which shall be at the time of such uttering, selling or putting to sale, therein contained, to him or them that will seize the same; (5) and upon pain also to forfeit for every such vessel

Vessels brought from beyond the sea for ale and beer in London shall be gauged.

Vessels brought from beyond the sea to other parts of the realm.

23 H. 8. c. 4

wherein

What shall be taken for the gaging in London, and elsewhere.

wherein beer or ale shall be so uttered, sold or put to sale, ten shillings; (6) the one moiety of which forfeitures shall be to the Queen's majesty, her heirs and successors, and the other moiety to him or them that will sue for the same by action of debt, bill, plaint, information or otherwise, wherein no essoin, protection, wager of law or injunction shall be admitted or allowed for the defendant: (7) and that there shall be taken for the gaging of every such vessel, within the city of *London* and suburbs of the same, and in all and every place and places within two miles compass without the same suburbs, by the master and wardens of the art or mystery of freemen of the coopers of the city of *London*, for every butt one penny, for every pipe one penny, for every puncheon one half-penny, for every hoghead one half-penny, for every tierce one half-penny; (8) and for every other vessel which shall at any time (after the time before expressed) be brought into this realm from any the parts beyond the seas, wherein beer or ale shall be uttered, sold or put to sale within the said city or suburbs, or any other place or places within two miles compass without the same suburbs, after like rates and no more: (9) and that there shall be taken for the gaging of every such vessel or vessels, in all and every other place and places within the realm of *England* and *Wales*, by such person and persons as by the said statute made in the said three and twentieth year of the reign of King *Henry* the Eighth are appointed for gaging thereof, after such like rates as are herein before appointed to be taken for gaging within the city of *London* and suburbs of the same, and in other places within two miles compass without the same suburbs.

The vessels may be retained until the gaging money be paid.

II. And it is further enacted by the authority aforesaid, That this act shall extend to all and every person and persons which shall use or occupy the mystery of brewing, as well *English*-born as strangers: (2) and that it shall be lawful to all and every person and persons which shall have authority by virtue of this act, to gage any vessel or vessels by this act meant or intended to be gaged, to retain every vessel which shall be gaged according to the true meaning of this act, until the money which shall be due for the gaging thereof shall be truly satisfied and paid.

The wardens of coopers shall come to the brewers houses to gage vessels.

III. Provided always, and be it further enacted by the authority aforesaid, That the master and wardens of coopers aforesaid, or their sufficient deputy or deputies, within the space of eight and forty hours next after any reasonable request to them or any of them made, shall come to any brewer or brewers house, or other place in the said city of *London* or suburbs thereof, or two miles distance of the same, where their casks shall be, and there with all reasonable expedition shall gage and mark the same casks, and every of them; (2) upon pain for every default to forfeit and lose to the party by or from whom such requests, as aforesaid, shall be made, the sum of twenty shillings of lawful money of *England*, to be had and recovered by the said party against the corporation of coopers aforesaid,

aforefaid, by action of debt in any of her Majesty's courts of record at *Westminster*, or elsewhere; in which action no effoin, protection or wager of law shall be admitted or allowed.

IV. Provided also, That if any *Scottish* man, or any stranger, shall bring from *Scotland*, or from beyond the seas, to the said brewers, or any of them, any manner of foreign casks, and shall require to have beer put into the same, and will transport the same beer from hence, either into *Scotland*, or over the seas, there to be drunk; That then in every such case it shall and may be lawful to and for the said brewers, or any of them, to fill all such casks with beer, at such rate and reckoning as he and his merchant can agree, without having the said casks, or any of them, gaged or marked as is aforefaid, and without incurring any penalty therefore; this act, or any thing therein contained, to the contrary thereof in any wise notwithstanding.

(2) This act to continue to the end of the next session of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

Vessels which shall be filled with ale or beer, and transported.

C A P. IX.

An act for writs upon proclamations and Exigents to be current within the county palatine of Durham.

WHERE the bishoprick of Durham is, and of long time hath been, an ancient county palatine of it self, in which bishoprick the Queen's writ hath not, nor yet doth run; so that the writ of proclamation awarded upon any Exigent against any person or persons inhabiting within the same county, in any action wherein process of outlawry doth lie, according to the statute made in the sixth year of the reign of the late King Henry the Eighth, cannot be directed to any sheriff, or other officer within the said bishoprick, but unto the sheriff of the county next adjoining unto the said bishoprick; so that the party dwelling within the said bishoprick, against whom any such Exigent and proclamation hath been or shall be awarded, hath not had, nor hereafter can have, any knowledge of the same suit or process; (2) by reason whereof many persons inhabiting within the said bishoprick, without knowledge have been outlawed, and hereafter are like to be outlawed in like manner, to their utter undoings, if some speedy remedy be not the sooner provided:

6 H. 8. c. 4.

II. Be it therefore, and for divers other good considerations, enacted, ordained and established by the authority of this present parliament, That whensoever any writ of Exigent, at any time after the first day of April next coming, shall be awarded at the suit of our sovereign lady the Queen's majesty, her heirs and successors, Kings or Queens of this realm, or at the suit or suits of any other person or persons, plaintiff or plaintiffs, in any action or suit in any of the courts of our said sovereign Lady, her heirs or successors, Kings and Queens of this realm, commonly called the King's bench and the commons pleas, against any person or persons dwelling within the said bishoprick; that then immediately upon the awarding of every such Exigent, the

A writ of proclamation upon an Exigent against any person dwelling in the bishoprick of Durham.

the justice or justices before whom any such writ of *Exigent* upon such suit or action shall be sued, shall have full power and authority by virtue of this act, to award one writ of proclamation according to the tenor and effect of writs of proclamation awarded upon *Exigents*, and commonly directed out of any of the said courts into *London*, or into any other shires of this realm, against any person or persons dwelling in other shire or shires of this realm where the Queen's writ doth run, according to the order and form of the said act made in the sixth year of the reign of the said late King, (2) to be directed to the bishop of *Durham* for the time being, and during the vacation of the bishoprick, then to the chancellor of the said bishoprick or county palatine for the time being, where it shall happen the said defendant, against whom any such action shall be sued as is aforesaid, to be dwelling, and not to the sheriff of any other shire next adjoining to the said bishoprick or county palatine; any law, custom or usage heretofore used to the contrary notwithstanding: (3) and that every such writ of proclamation so to be hereafter awarded to such bishop or chancellor of the said bishoprick or county palatine, shall have the same *Teste* and day of return, as the *exigents* whereupon every such writ of proclamation shall be awarded shall have: (4) and that every such bishop or chancellor, to whom any of the said writ or writs of proclamation shall be directed, shall by *his* or *their* mandate directed to the sheriff of the said county palatine, cause proclamation to be made of the same writs of proclamation according to the tenor of the same, and shall make true returns of the same in such court and courts, and before such justices, as the tenor of the same writ and writs of proclamation shall require and demand: (5) and that all outlawries hereafter to be promulged or pronounced against any person or persons, upon any such *exigent* or *exigents*, awarded against any person or persons dwelling within the said bishoprick or county palatine, and no writs of proclamation awarded in form aforesaid to the bishop or chancellor aforesaid, where the party defendant shall be as is aforesaid dwelling, or not returned as aforesaid, to be clearly void, and of none effect nor force in the law.

III. And be it further enacted by the authority aforesaid, That every bishop of the said bishoprick for the time being, and during the vacation of the said bishoprick the chancellor of the said county palatine for the time being, shall have in every of the said courts of the King's bench and common pleas, one sufficient deputy at the least, to receive all such writs of proclamations which shall be hereafter directed to every such bishop or chancellor of the said bishoprick or county palatine, for whom the same deputy or deputies shall be appointed, in like manner and form, and upon like pains, as by the former statutes and laws of this realm, the sheriffs of other shires or counties within this realm of *England* be bound to have in either of the same courts; (2) and that all such writs of proclamation

The bishop's mandate to the sheriff to make proclamation.

The bishop of Durham shall have a deputy in the King's bench and common pleas.
23 H. 6. c. 9.

clamation as aforesaid, shall be delivered unto every such deputy or deputies of record in the same courts and either of them, and also like fees shall be paid for making of every such writ of proclamation, and for enrolling the same of record, as is limited in the same statute made in the sixth year of the said King *Henry* the Eighth.

IV. And be it further enacted and established by the authority aforesaid, That if any such writ or writs of proclamation hereafter to be directed to any bishop or chancellor of the said bishoprick or county palatine, be delivered unto any of the said bishops for the time being, or during the vacation of the said bishoprick to the chancellor of the said county palatine for the time being, or to his or their deputy or deputies, in manner and form aforesaid; the same bishop for the time being, (2) or during the vacation of the said bishoprick the said chancellor of the said county palatine for the time being, do not make true return of every such writ and writs of proclamation to them directed, into such court and courts out of which the writ or writs of proclamation shall be awarded, that for every such default of non-return, every such bishop for the time being, and during the vacation of the said see the said chancellor for the time being, so failing to make due return, shall lose and forfeit five pounds; (3) the one half whereof shall be to the Queen, her heirs and successors, and the other half thereof to any such person or persons as will sue for the same, in any action of debt to be grounded upon this act, in any of the Queen's courts of record, wherein no essoin, protection or wager of law shall be allowed or admitted.

The forfeiture of the bishop or chancellor that doth not return the proclamation,

V. Provided always, That this act, or any thing herein contained, shall not in any wise extend, or be prejudicial to any bishop of the said bishoprick of *Durham*, for or concerning such liberties, franchises or privileges as belong to the same bishop's bishoprick or see, or to any ministers or officers of the same bishoprick or county palatine, otherwise or in any other manner than by the true meaning of this act is before provided or declared; any thing in this act mentioned to the contrary notwithstanding.

A provision for the bishop of Durham's other liberties.

VI. Provided also, That if any person or persons dwelling within the said bishoprick or county palatine, after the aforesaid first day of *April*, shall be outlawed in any such suit or action as is aforesaid; that then all writs of special *capias utlagatum*, single *capias utlagatum*, *non molestandum*, and all other process, for or against any person or persons so outlawed, shall and may from henceforth be directed from time to time to the bishop of the said bishoprick and county palatine for the time being, and during the vacation of the said see to the chancellor there for the time being, who shall make like writs and process thereupon, and of like effect, sealed with the seal of their said offices, to be directed to the sheriff of the said county palatine for the time being, as heretofore hath been used and accustomed in such cases.

To whom writs shall be directed against any person outlawed in the said bishoprick.

One only fee shall be taken for the proclamation, mandate and execution.

VII. Provided alway, and be it further enacted by the authority aforesaid, That upon any writ of proclamation to be awarded by virtue of this act, and the mandate thereupon to be made to the sheriff, and the execution thereof, there shall be but one only fee taken, received or demanded for the same by the said bishop, chancellor, and sheriff of the said county palatine for the time being.

CAP. X.

An act for the continuance and perfecting of divers statutes.

Ships,
21 H. 8. c. 12.

WHEREAS in the first session of parliament begun in the city of London the third day of November in the one and twentieth year of the reign of our late sovereign lord of famous memory, King Henry the Eighth, and from thence adjourned and prorogued to the palace of Westminster, an act or statute was made, intituled, An act for the true making of cables, halfers and ropes.

Cattle,
24 H. 8. c. 9.

II. And where in the parliament holden upon prorogation at Westminster the fourth day of February in the four and twentieth year of the reign of the said King, one other act was then and there made, intituled, An act against killing of young beasts, called weanlings.

Cattle, 3 & 4
Ed. 6. c. 19.

III. And where in the session of a parliament ended at Westminster the first day of February in the fourth year of the reign of our late sovereign lord King Edward the Sixth, one act was made concerning the buying and selling of rother beasts and cattle :

Victual,
3 & 4 Ed. 6.
c. 21.
Fish,
1 Eliz. c. 17.

IV. And also one other act was then and there likewise made, intituled, An act for the buying and selling of butter and cheefe.

V. And where also in the parliament begun at Westminster the three and twentieth day of January in the first year of the reign of the Queen's majesty that now is, and there continued by prorogation until the dissolution thereof, one act was then and there made, intituled, An act for the preservation of spawn and fry of fish.

Husbandry,
5 El. c. 2.

VI. And where also in the first session of parliament holden at Westminster the twelfth day of January in the fifth year of her Highness reign, one act was then and there made, intituled, An act for maintenance and increase of tillage :

Merchants,
5 Eliz. c. 7.

VII. And one other act was then there likewise made, intituled, An act for the avoiding of divers foreign wares made by handicraftsmen beyond the seas.

Games,
8 Eliz. c. 10.

VIII. And where also in the last session of the parliament holden by prorogation at Westminster the last day of September in the eighth year of her Majesty's reign, one act was then and there made, intituled, An act for bowyers, and the prices of bows.

Leases,
13 Eliz. c. 20.

IX. And where also in the parliament begun and holden at Westminster the second day of April in the thirteenth year of her Majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases to be made of ecclesiastical promotions with cure, intituled, An act touching leases of benefices, and other ecclesiastical livings with cure.

Purveyors,
13 Eliz. c. 21.

X. And where also there was one other act and statute made in the said parliament begun and holden at Westminster the second day of April in the said thirteenth year, intituled, An act that purveyors may

may take grain, corn or victuals within five miles of Cambridge and Oxford in certain cases.

XI. *And also one other act was then and there made, intituled, An act against usury.* Usury, 13 Eliz. c. 8.

XII. *And where in the parliament holden at Westminster the eighth day of May in the fourteenth year of her Highness reign, there was one other act made, intituled, An act for the continuation; explanation; perfecting and enlarging of divers statutes; in which statute are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned.* 14 Eliz. c. 11.

XIII. *And where also in the first session of the parliament begun and holden at Westminster the eighth day of May in the fourteenth year of the Queen's highness reign that now is, and from thence continued by prorogation till the dissolution thereof, there was one other act made, intituled; An act for the punishment of vagabonds, and for the relief of the poor and impotent.* Poor, 14 Eliz. c. 5.

XIV. *And where in the parliament holden at Westminster afore-said in the eighteenth year of her Majesty's reign, there was one other act made, intituled, An act for the setting of the poor on work, and for the avoiding of idleness.* Poor, 18 Eliz. c. 3.

XV. *And where in the parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of her Majesty's reign, one other act was made for the reviving, continuance; explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations, unto and of divers of the said former recited statutes; and other new provisions.* Continuance, 27 Eliz. c. 11.

XVI. *And where in the said parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of the Queen's majesty's reign that now is, there was an act made for the levying of issues lost by jurors.* Enquest, 27 Eliz. c. 7.

XVII. *And whereas also in the parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of the Queen's majesty's reign that now is, there was one other act made, intituled, An act for the good government of the city or borough of Westminster.* Franchise, 27 Eliz. not printed.

XVIII. *Forasmuch as the branches, clauses and provisions, contained and specified in the said two acts of continuance, made in the fourteenth and seven and twentieth years of her Majesty's reign, in addition, alteration, explanation, perfecting and enlarging of divers of the said statutes, and other statutes, and all the residue of the said recited acts, do seem good and beneficial to the weal and profit of this realm; (2) be it enacted, That the said branches, clauses and provisions of the said two acts of continuance, and all the residue of the said recited statutes and acts and every of them, and all and every article, clause and sentence in them and every of them contained, shall be continued and endure in full force and effect until the end of the next parliament next ensuing.* The before rehearsed 17 statutes shall continue until the end of the next parliament. EXP.

XIX. *And where also in the first session of parliament holden at Westminster the twelfth day of January in the said fifth year of* 5 Eliz. c. 5.

her Majesty's reign, one act was then and there made, intituled, An act touching certain politick constitutions made for the maintenance of the navy; (2) be it further enacted by the authority of this present parliament, That so much only of the said last mentioned act, as at this present standeth in force, and not heretofore at any time repealed, shall continue and endure in full force and effect, unto the end of the next parliament next ensuing.

29 Eliz. c. 5.
f. 14.

XX. Where in the parliament now last past holden at Westminster, an act was then made, intituled, An act for the continuance and perfecting of divers statutes; in the end of which act one proviso is contained in these words following, viz. Provided always, That whereas divers her Majesty's loving subjects dwelling in the remote places of this realm are many times maliciously troubled upon informations and suits, exhibited in the courts of King's bench, common pleas and exchequer, upon penal statutes, and are drawn up upon process out of the countries where they dwell, and driven to attend and put in bail, to their great troubles and undoings: (2) for reformation whereof, be it enacted, That if any person or persons shall be sued or informed against, upon any penal law, in any the said courts of the King's bench and common pleas, or exchequer, where such person or persons areailable by law, or where by the law or favour of the court such person or persons may appear by attorney, that in all and every such case, the person or persons so to be impleaded or sued, should and might at the day and time contained in the first process served for his appearance, appear by attorney of the same court where the process is returnable, to answer and defend the same, and not to be urged to personal appearance, or to put in bail for the answering of such suit; any former law, custom or usage to the contrary notwithstanding; (3) be it now enacted by the authority of this present parliament, That the same branch of the said act shall extend, and shall be intepreted, expounded and understood to extend, only to the natural subjects born or to be born within the dominions of the Queen's majesty, her heirs and successors, and to persons made free denizens, and to no others; any thing therein contained to the contrary in any wise notwithstanding.

The statute of 29 El. c. 5. touching appearing by attorney in suits upon penal laws, shall extend only to natural-born subjects or free denizens.

CAP. XI.

An act of explanation or declaration of the statute of octavo Regis H. 6. concerning forcible entries, the indictments thereupon found.

8 H. 6. c. 9.

WHEREAS there is one good act made and established in the eighth year of the reign of King Henry the Sixth, against such persons as should make forcible entry into lands, tenements and other possessions, or them should forcibly hold; and one very good proviso or clause in the said act contained, as ensueth:

II. Provided always, That they which keep their possessions with force, in any lands and tenements whereof they or their ancestors have continued their possession in the same by three years or more, be not endamaged by force of the said statute.

III. And

III. *And whereas divers of the Queen's majesty's good and loving subjects and their ancestors, or those whose estate they have, for many years together, above the space of three years or more, have been in quiet possession of their dwelling-houses, and other their lands and possessions; and now of late divers of her Majesty's said subjects, having entries made upon their possessions, having had such quiet and long possession, for disturbing of such entrers, and for keeping of their possession against such entrers, by colour of indictments of forcible entry, or forcible keeping possession, found against them, by means of the oaths of such entrers, have been removed and put out of their dwelling-houses, and other their possessions which they have quietly held by the space of three years together or longer time, next before such indictments found against them, against the true meaning and intent of the said proviso or clause contained in the said act: (2) for remedy of which inconvenience, and for true declaration and explanation of the law therein, (3) be it ordained, declared and enacted by the authority of this present parliament, That no restitution upon any indictment of forcible entry, or holding with force, be made to any person or persons, if the person or persons so indicted hath had the occupation or hath been in quiet possession by the space of three whole years together next before the day of such indictment so found, and his, her or their estate or estates therein not ended or determined; which the party indicted shall and may allege for stay of restitution, and restitution to stay until that be tried if the other will deny or traverse the same: (5) and if the same allegation be tried against the same person or persons so indicted, then the same person or persons so indicted to pay such costs and damages to the other party, as shall be assessed by the judges or justices before whom the same shall be tried; the same costs and damages to be recovered and levied as is usual for costs and damages contained in judgments upon other actions. 5 R. 2. stat. 1. c. 7. 15 R. 2. c. 2. 4 H. 4. c. 8. 21 Jac. 1. c. 15.*

The proviso in the statute of 8 H. 6. c. 9. touching continuance of possessions by three years. 1 Salk. 353.

No restitution shall be made if the party indicted hath been three years in quiet possession, and his estate not ended.

Raym. 84. 85. Dyer 141.

Costs shall be awarded against the party indicted, if his said allegation be found against him.

CAP. XII.

An act to avoid horse-stealing.

WHEREAS through most counties of this realm horse-stealing is grown so common, as neither in pastures or closes, nor hardly in stables, the same are to be in safety from stealing, which ensueth by the ready buying of the same by horse-courers and others, in some open fairs or markets far distant from the owner, and with such speed as the owner cannot by pursuit possibly help the same; (2) and sundry good ordinances have heretofore been made touching the manner of selling and tolling of horses, mares, geldings and colts in fairs and markets, which have not wrought so good effect for the repressing or avoiding of horse-stealing, as was expected:

II. Now for a further remedy in that behalf, be it enacted by the authority of this present parliament, That no person after twenty days next after the end of this session of parliament, shall in any fair or market sell, give, exchange or put away any horse, mare, gelding, colt or filly, unless the toll-taker there, or (where

Sellers of horses in fairs or markets must be known to the toll-taker, or some other who will avouch the sale, which shall be entered in the toll-book, &c. 2 & 3 Ph. & M. c. 7. Palmer 486, 487. 2 Inst. 713. Lutw. 197.

A sufficient and credible person shall avouch the horse seller.

The price of the horse shall be entred into the tollers' book.

A note in writing shall be given to the buyer.

no tollis paid) the book-keeper, bailiff or the chief officer of the same fair or market, shall and will take upon him perfect knowledge of the person that so shall sell or offer to sell, give or exchange any horse, mare, gelding, colt or filly, and of his true christian name, surname and place of dwelling or resiency, and shall enter all the same his knowledge into a book there kept for sale of horses; (2) or else, that he so selling or offering to sell, give, exchange or put away any horse, mare, gelding, colt or filly, shall bring unto the toll-taker, or other officer aforesaid, of the same fair or market, one sufficient and credible person that can, shall or will testify and declare unto and before such toll-taker, book-keeper or other officer, That he knoweth the party that so selleth, giveth, exchangeth or putteth away such horse, mare, gelding, colt or filly, and his true name, surname, mystery and dwelling-place, and there enter or cause to be entred in the book of the said toll-taker or officer, as well the true christian name, surname, mystery and place of dwelling or resiency of him that so selleth, giveth, exchangeth or putteth away such horse, mare, gelding, colt or filly, as of him that so shall testify or avouch his knowledge of the same person; (3) and shall also cause to be entred the very true price or value that he shall have for the same horse, mare, gelding, colt or filly so sold: (4) and that no person shall take upon him to avouch, testify or declare, That he knoweth the party that so shall offer to sell, give, exchange or put away any such horse, mare, gelding, colt or filly, unless he do indeed truly know the same party, and shall truly declare to the toll-taker or other officer aforesaid, as well the christian name, surname, mystery and place of dwelling and resiency of himself, as of him of and for whom he maketh such testimony and avouchment: (5) and that no toll-taker or other person keeping any book of entry of sales of horses in fairs or markets, shall take or receive any toll, or make entry of any sale, gift, exchange, or putting away of any horse, mare, gelding, colt or filly, unless he knoweth the party that so selleth, giveth, exchangeth or putteth away any such horse, mare, gelding, colt or filly, and his true christian name, surname, mystery and place of his dwelling or resiency, or the party that shall and will testify and avouch his knowledge of the same person so selling, giving, exchanging or putting away such horse, mare, gelding, colt or filly, and his true christian name, surname, mystery and place of dwelling or resiency, and shall make a perfect entry into the said book, of such his knowledge of the person, and of the name, surname, mystery and place of the dwelling or resiency of the same person, and also the true price or value that shall be *bona fide* taken or had for any such horse, mare, gelding, colt or filly so sold, given, exchanged or put away, so far as he can understand the same, (6) and then give to the party so buying or taking by gift, exchange or otherwise, such horse, mare, gelding, colt or filly, requiring and paying two pence for the same, a true and perfect note in writing of all the full contents of the same, subscribed with his hand; (7) on pain

pain that every person that so shall sell, give, exchange or put away any horse, mare, gelding, colt or filly, without being known to the toll-taker or other officer aforesaid, or without bringing such a voucher or witness, causing the same to be entred as aforesaid, and every person making any untrue testimony or avouchment in the behalf aforesaid, and every toll-taker, book-keeper or other officer of fair or market aforesaid, offending in the premises contrary to the true meaning aforesaid, shall forfeit for every such default the sum of five pounds; (8) but also that every sale, gift, exchange or other putting away of any horse, mare, gelding, colt, filly, in fair or market, not used in all points according to the true meaning aforesaid, shall be void; (9) the one half of all which forfeitures to be to the Queen's majesty, her heirs and successors, and the other half to him or them that will sue for the same before the justices of peace, or in any of her Majesty's ordinary courts of record, by bill, plaint, action of debt or information; in which no esoin or protection shall be allowed.

The penalty of the person offending in any of the cases aforesaid, 1 Lutw. 197.

Every sale otherwise made shall be void.

III. And be it further enacted, That the justices of peace of every place and county, as well within liberties as without, shall have authority in their sessions, within the limits of their authority and commission, to enquire, hear and determine all offences against this statute, as they may do any other matter triable before them.

The justices of peace may hear and determine the offences aforesaid.

IV. And be it further enacted, That if any horse, mare, gelding, colt or filly, after twenty days next ensuing the end of this session of parliament, shall be stoln and after shall be sold in open fair or market, and the same sale shall be used in all points and circumstances as aforesaid, that yet nevertheless the sale of any such horse, mare, gelding, colt or filly, within six months next after the felony done, shall not take away the property of the owner from whom the same was stoln, so as claim be made within six months by the party from whom the same was stoln, or by his executors or administrators, or by any other by any of their appointment, at or in the town or parish where the same horse, mare, gelding, colt or filly shall be found, before the mayor or other head officer of the same town or parish, if the same horse, mare, gelding, colt or filly shall happen to be found in any town corporate or market-town, or else before any justice of peace of that county near to the place where such horse, mare, gelding, colt or filly shall be found, if it be out of a town corporate or market-town; (2) and so as proof be made within forty days then next ensuing by two sufficient witnesses, to be produced and deposed before such head officer or justice, (who by virtue of this act shall have authority to minister an oath in that behalf) that the property of the same horse, mare, gelding, colt or filly so claimed, was in the party, by or from whom such claim is made, and was stoln from him within six months next before such claim of any such horse, gelding, mare, colt or filly; (3) but that the party from whom the said horse, mare, gelding, colt or filly was stoln, his executors or admini-

The owner may redeem a horse stolen from him within six months after, paying the price, Kelyng 48.

An accessory to a horse-stealer shall not have his clergy. 1 E. 6. c. 12. 2 & 3 E. 6. f. 33.

nistrators shall and may at all times after, notwithstanding any such sale or sales in any fair or open market thereof made, have property and power to have, take again and enjoy the said horse, mare, gelding, colt or filly, upon payment or readiness, or offer to pay, to the party that shall have the possession and interest of the same horse, mare, gelding, colt or filly, if he will receive and accept it, so much money as the same party shall depose and swear before such head officer or justice of peace, (who by virtue of this act shall have authority to administer and give an oath in that behalf) that he paid for the same *bona fide*, without fraud or collusion; any law, statute or other thing to the contrary thereof in any wise notwithstanding.

V. And be it further enacted by the authority aforesaid, That after twenty days after the end of this session of parliament, not only all accessories before such felony done, but also all accessories after such felony, shall be deprived and put from all benefit of their clergy, as the principal by statute heretofore made is or ought to be.

CAP. XIII.

The statute of 23 *Eliz. c. 6.* touching the repair of *Dover* haven, shall be revived and continued for seven years. Every customer and officer shall be answerable for the wilful default and neglect of his deputy, so far as by the same statute he was for his own. *EXP. 35 Eliz. c. 7. 43 Eliz. c. 9. 1 Jac. 1. c. 32.*

CAP. XIV.

A confirmation of two subsidies of six shillings in the pound, granted to the Queen by the clergy, to be paid yearly by two shillings in the pound. *EXP.*

CAP. XV.

A confirmation of two subsidies and four fifteenths granted to the Queen by the temporality. *EXP.*

CAP. XVI.

A confirmation by parliament of the Queen's general and free pardon. *EXP.*

Anno tricesimo quinto Reginae ELIZABETHÆ,

AT the parliament begun and holden at Westminster the nineteenth day of February in the five and thirtieth year of the reign of our most gracious sovereign lady Elizabeth, by the grace of God, of England, France and Ireland, Queen, defender of the faith, &c. And there continued until the dissolution thereof, being the tenth of April; to the high pleasure of Almighty God, and weal publick of this realm, were enacted as followeth.

CAP.

CAP. I.

An act to retain the Queen's majesty's subjects in their due obedience.

FOR the preventing and avoiding of such great inconveniencies and perils as might happen and grow by the wicked and dangerous practices of seditious sectaries and disloyal persons; (2) be it enacted by the Queen's most excellent majesty, and by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons above the age of sixteen years, which shall obstinately refuse to repair to some church, chapel or usual place of common prayer, to hear divine service established by her Majesty's laws and statutes in that behalf made, and shall forbear to do the same by the space of a month next after, without any lawful cause, shall at any time after forty days next after the end of this session of parliament, by printing, writing, or express words or speeches, advisedly or purposely practise or go about to move or persuade any of her Majesty's subjects, or any other within her Highness realms or dominions, to deny, withstand and impugn her Majesty's power and authority in cases ecclesiastical, united and annexed to the imperial crown of this realm; (3) or to that end or purpose shall advisedly and maliciously move or persuade any other person whatsoever to forbear or abstain from coming to church to hear divine service, or to receive the communion according to her Majesty's laws and statutes aforesaid, or to come to or be present at any unlawful assemblies, conventicles or meetings, under colour or pretence of any exercise of religion, contrary to her Majesty's said laws and statutes: (4) or if any person or persons which shall obstinately refuse to repair to some church, chapel or usual place of common prayer, and shall forbear by the space of a month to hear divine service, as is aforesaid, shall after the said forty days, either of him or themselves, or by the motion, persuasion, enticement or allurement of any other, willingly join in, or be present at, any such assemblies, conventicles or meetings, under colour or pretence of any such exercise of religion, contrary to the laws and statutes of this realm, as is aforesaid; (5) that then every such person so offending as aforesaid, and being thereof lawfully convicted, shall be committed to prison, there to remain without bail or mainprize, until they shall conform and yield themselves to come to some church, chapel or usual place of common prayer, and hear divine service, according to her Majesty's laws and statutes aforesaid, and to make such open submission and declaration of their said conformity, as hereafter in this act is declared and appointed.

Punishment of persons obstinately refusing to come to church, and persuading others to impugn the Queen's authority in ecclesiastical causes.

*Altered by
1 W. & M.
sess. 1. c. 18.*

The penalty for being present at unlawful conventicles for religion.

II. Provided always, and be it further enacted by the authority aforesaid, That if any such person or persons, which shall offend against this act as aforesaid, shall not within three

An offender not conforming himself shall abjure the realm.

months next after they shall be convicted of their said offence, conform themselves to the obedience of the laws and statutes of this realm, in coming to the church to hear divine service, and in making such publick confession and submission, as hereafter in this act is appointed and expressed, being thereunto required by the bishop of the diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; that in every such case every such offender, being thereunto warned or required by any justice of the peace of the same county where such offender shall then be, shall upon his and their corporal oath before the justices of the peace in the open quarter-sessions of the same county, or at the assizes and gaol-delivery of the same county, before the justices of the same assizes and gaol-delivery, abjure this realm of *England*, and all other the Queen's majesty's dominions for ever, unless her Majesty shall license the party to return; (2) and thereupon shall depart out of this realm at such haven or port, and within such time, as shall in that behalf be assigned and appointed by the said justices before whom such abjuration shall be made, unless the same offender be letted or stayed by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay, then within such reasonable and convenient time after, as the common law requireth in case of abjuration for felony, as is aforesaid: (3) and that the justices of peace before whom any such abjuration shall happen to be made, as is aforesaid, shall cause the same presently to be entred of record before them, and shall certify the same to the justices of assizes and gaol-delivery of the said county, at the next assizes or gaol-delivery to be holden in the same county.

The punishment for refusing to abjure, not departing, or returning without licence.

III. And if any such offender, which by the tenor and intent of this act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made, shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present act, or after such his departure shall return or come again into any her Majesty's realms or dominions, without her Majesty's special licence in that behalf first had and obtained; that then in every such case the person so offending shall be adjudged a felon, and shall suffer as in case of felony, without benefit of clergy.

An offender shall be discharged upon his open submission. Latch 16.

IV. And furthermore be it enacted by the authority of this present parliament, That if any person or persons that shall at any time hereafter offend against this act, shall before he or they be so warned or required to make abjuration according to the tenor of this act, repair to some parish church on some *Sunday* or other festival day, and then and there hear divine service, and at service-time, before the sermon, or reading of the gospel, make publick and open submission and declaration of his and their conformity to her Majesty's laws and statutes, as hereafter in this

act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every the penalties and punishments inflicted or imposed by this act for any of the offences aforesaid. The same submission to be made as hereafter followeth; that is to say,

V. *I. A. B.* do humbly confess and acknowledge, That I have grievously offended God in contemning her Majesty's godly and lawful government and authority, by absenting my self from church, and from hearing divine service, contrary to the godly laws and statutes of this realm, and in using and frequenting disordered and unlawful conventicles and assemblies, under pretence and colour of exercise of religion: (2) and I am heartily sorry for the same, and do acknowledge and testify in my conscience that no other person hath or ought to have any power or authority over her Majesty: (3) and I do promise and protest, without any dissimulation, or any colour or means of any dispensation, That from henceforth I will from time to time obey and perform her Majesty's laws and statutes, in repairing to the church and hearing divine service, and do my uttermost endeavour to maintain and defend the same.

The form of the submission.

VI. And that every minister or curate of every parish where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days next following shall certify the same in writing to the bishop of the same diocese.

The minister shall enter the submission in a book.

VII. Provided nevertheless, That if any such offender, after such submission made as is aforesaid, shall afterwards fall into relapse, or estoons obstinately refuse to repair to some church, chapel or usual place of common prayer, to hear divine service, and shall forbear the same as aforesaid, or shall come or be present at any such assemblies, conventicles or meetings, under colour or pretence of any exercise of religion, contrary to her Majesty's laws and statutes; that then every such offender shall lose all such benefit as he or she might otherwise by virtue of this act have or enjoy by reason of their said submission, and shall thereupon stand and remain in such plight, condition and degree, to all intents as though such submission had never been made.

The offender submitting, falleth into a relapse.

VIII. *And for that every person having house and family, is in duty bound to have special regard to the good government and ordering of the same;* Be it enacted by the authority aforesaid, That if any person or persons shall at any time hereafter relieve, maintain, retain or keep in his or their house or otherwise, any person which shall obstinately refuse to come to some church, chapel or usual place of common prayer, to hear divine service, and shall forbear the same by the space of a month together, contrary to the laws and statutes of this realm; that then every person which shall so relieve, maintain, retain or keep any such person offending as aforesaid, after notice thereof to him or them given by the ordinary of the diocese, any justice of assizes of the circuit, or any justice of peace of the county, or the minister,

The forfeiture for the keeping a recusant in one's house after notice.

Repealed by 3 Jac. 1. c. 4. s. 31. and other provisions relating hereto, s. 32.

nister, curate or church-wardens of the parish where such person shall then be, or by any of them, shall forfeit to the Queen's majesty for every person so relieved, maintained, retained or kept, after such notice as aforesaid, ten pounds for every month that he or they shall so relieve, maintain, retain or keep any such person so offending.

What sort of recusants may be kept, &c. repeated by 3 Jac. 1. c. 4. f. 31.

IX. Provided nevertheless, That this act shall not in any wise extend to punish or impeach any person or persons for relieving, maintaining or keeping his or their wife, father, mother, child or children, wards, brother or sister, or his wife's father or mother, not having any certain place of habitation of their own, or the husbands or wives of any of them; or for relieving, maintaining or keeping any such person as shall be committed by authority to the custody of any by whom they shall be so relieved, maintained or kept; any thing in this act contained to the contrary notwithstanding.

The Queen's remedy to recover forfeitures, &c. 23 Eliz. c. 1. Cro. Jac. 481.

X. And for the more speedy levying and recovering, for and by the Queen's majesty, of all and singular the pains, duties, forfeitures and payments which at any time hereafter shall accrue, grow or be payable by virtue of this act, or of the statute made in the three and twentieth year of her Majesty's reign concerning recusants; (1) be it enacted by the authority aforesaid, That all and every the said pains, duties, forfeitures and payments, shall and may be recovered and levied to her Majesty's use, by action of debt, bill, plaint, information or otherwise, in any of the courts commonly called the King's bench, common pleas or exchequer, in such sort, and in all respects, as by the ordinary course of the common laws of this realm any other debt due by any such person in any other case should or may be recovered or levied, wherein no effoin, protection or wager of law shall be admitted or allowed.

In what manner one part of the penalties shall be employed. 29 Eliz. c. 6.

XI. Provided always, That the third part of the penalties to be had or received by virtue of this act, shall be employed and bestowed to such good and charitable uses, and in such manner and form, as is limited and appointed in the statute made in the twenty-eighth year of her Majesty's reign touching recusants.

11 Co. 57.

Popish recusants. Ферма оверт.

XII. Provided also, That no popish recusant, or feme covert, shall be compelled or bound to abjure by virtue of this act.

The forfeiture of him who abjureth or refuseth to abjure.

XIII. Provided also, That every person that shall abjure by force of this act, or refuse to abjure, being thereunto required as aforesaid, shall forfeit and lose to her Majesty all his goods and chattels for ever; (2) and shall further lose all his lands, tenements and hereditaments, for and during the life only of such offender, and no longer; (3) and that the wife of any offender, by force of this act, shall not lose her dower: nor that any corruption of blood shall grow or be by reason of any offence mentioned in this act; but that the heir of every such offender, by force of this act, shall and may, after the death of every offender, have and enjoy the lands, tenements and here-

The wife shall lose no dower, nor the heir any land for these offences.

hereditaments of such offender, as if this act had not been made: (4) and this act to continue no longer than to the end of the next session of parliament. *Continued by 3 Car. I. c. 4. as to so much of it as hath not been repealed by any other statute, and farther continued by 16 Car. I. c. 4.*

C A P. II.

An act for restraining popish recusants to some certain places of abode.

FOR the better discovering and avoiding of such traitorous and most dangerous conspiracies and attempts as are daily devised and practised against our most gracious sovereign lady the Queen's majesty and the happy estate of this common weal, by sundry wicked and seditious persons, who terming themselves catholicks, and being indeed spies and intelligencers, not only for her Majesty's foreign enemies, but also for rebellious and traitorous subjects born within her Highness's realms and dominions, and hiding their most detestable and devilish purposes under a false pretext of religion and conscience, do secretly wander and shift from place to place within this realm, to corrupt and seduce her Majesty's subjects, and to stir them to sedition and rebellion:

Penalty of a convicted popish recusant removing above five miles from his house. Where a recusant having no house shall make his abode.
3 Bulfr. 87.
Carthew 291.

II. Be it ordained and enacted by our sovereign lady the Queen's majesty, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every person above the age of sixteen years, born within any of the Queen's majesty's realms and dominions, or made denizen, being a popish recusant, and before the end of this session of parliament convicted for not repairing to some church, chapel or usual place of common prayer, to hear divine service there, but forbearing the same, contrary to the tenor of the laws and statutes heretofore made and provided in that behalf, and having any certain place of dwelling and abode within this realm, shall within forty days next after the end of this session of parliament (if they be within this realm, and not restrained or stayed either by imprisonment, or by her Majesty's commandment, or by order and direction of some six or more of the privy council, or by such sickness and infirmity of body, as they shall not be able to travel without imminent danger of life, and in such cases of absence out of the realm, restraint or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to their place of dwelling where they usually heretofore made their common abode, and shall not at any time after pass or remove above five miles from thence.

III. And also that every person being above the age of sixteen years, born within any her Majesty's realms or dominions, or made denizen, and having, or which hereafter shall have, any certain place of dwelling and abode within this realm, which being then a popish recusant, shall at any time hereafter be lawfully convicted for not repairing to some church, chapel

Recusants that shall be convicted hereafter shall repair to their usual dwelling.

or usual place of common prayer to hear divine service there, but forbearing the same contrary to the said laws and statutes, and being within this realm at the time that they shall be convicted, shall within forty days next after the same conviction (if they be not restrained or stayed by imprisonment or otherwise, as is aforesaid, and in such cases of restraint and stay, then within twenty days next after they shall be enlarged of such imprisonment or restraint, and shall be able to travel) repair to their place of usual dwelling and abode, and shall not at any time after pass or remove above five miles from thence; (2) upon pain that every person and persons that shall offend against the tenor and intent of this act in any thing before-mentioned, shall lose and forfeit all his and their goods and chattels, and shall also lose and forfeit to the Queen's majesty all the lands, tenements and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same offender.

The penalty of an offender.

What a recusant shall do that hath no place of abode.

IV. And be it also enacted by the authority aforesaid, That every person above the age of sixteen years, born within any her Majesty's realms or dominions, not having any certain place of dwelling and abode within this realm, and being a popish recusant, not usually repairing to some church, chapel or usual place of common prayer, but forbearing the same contrary to the same laws and statutes in that behalf made, shall within forty days next after the end of this session of parliament (if they be then within this realm, and not imprisoned, restrained or stayed as aforesaid, and in such case of absence out of the realm, imprisonment, restraint or stay, then within twenty days next after they shall return into the realm, and be enlarged of such imprisonment or restraint, and shall be able to travel) repair to the place where such person was born, or where the father or mother of such person shall then be dwelling, and shall not at any time after remove or pass above five miles from thence; (2) upon pain that every person and persons which shall offend against the tenor and intent of this act in any thing before mentioned, shall lose and forfeit all his and their goods and chattels, and shall also forfeit to the Queen's majesty all the lands, tenements and hereditaments, and all the rents and annuities of every such person so doing or offending, during the life of the same person.

The forfeiture of a recusant removing above five miles from his place of abode.

A recusant copyholder departing five miles from his place of abode.

V. And be it further enacted by the authority aforesaid, That every such offender as is before mentioned, which hath or shall have any lands, tenements or hereditaments, by copy of court-roll, or by any other customary tenure at the will of the lord, according to the custom of any manor, shall forfeit all and singular his and their said lands, tenements and hereditaments so holden by copy of court-roll or customary tenure, as aforesaid, for and during the life of such offender (if his or her estate so long continue) to the lord or lords of whom the same be immediately holden, if the same lord or lords be not then a popish recusant, and convicted for not coming to church to hear divine service, but forbearing the same contrary to the laws

laws and statutes aforesaid, nor seized or possessed upon trust, to the use or behoof of any such recusant as aforesaid, and in such case the same forfeiture to be to the Queen's majesty.

VI. Provided always, and be it further enacted by the authority aforesaid, That all such persons as by the intent and true meaning of this act are to make their repair to their place of dwelling and abode, or to the place where they were born, or where their father or mother shall be dwelling, and not to remove or pass above five miles from thence as is aforesaid, shall within twenty days next after their coming to any of the said places (as the case shall happen) notify their coming thither, and present themselves, and deliver their true names in writing, to the minister or curate of the same parish, and to the constable, headborough or tithingman of the town, and thereupon the said minister or curate shall presently enter the same into a book to be kept in every parish for that purpose.

Recusants shall notify their living, and deliver their names to the curate.

VII. And afterward the said minister or curate, and the said constable, headborough or tithingman, shall certify the same in writing to the justices of the peace of the same county at the next general or quarter-sessions to be holden in the same county, and the said justices shall cause the same to be entered by the clerk of the peace in the rolls of the same sessions.

Recusants names certified to the justices.

VIII. *And to the end that the realm be not pestered and overcharged with the multitude of such seditious and dangerous people as is aforesaid, who having little or no ability to answer or satisfy any competent penalty for their contempt and disobedience of the said laws and statutes, and being committed to prison for the same, do live for the most part in better case there, than they could if they were abroad at their own liberty;* (2) the lords spiritual and temporal, and the commons, in this present parliament assembled, do most humbly and instantly beseech the Queen's majesty, that it may be further enacted, That if any such person or persons, being a popish recusant (not being a *feme covert*, and not having lands, tenements, rents or annuities, of an absolute estate of inheritance or freehold, of the clear yearly value of twenty marks, above all charges, to their own use and behoof, and not upon any secret trust or confidence for any other, or goods and chattels in their own right, and to their own proper use and behoof, and not upon any such secret trust and confidence for any other, above the value of forty pounds) shall not within the time before in this act in that behalf limited and appointed, repair to their place of usual dwelling and abode, if they have any, or else to the place where they were born, or where their father or mother shall be dwelling, according to the tenor and intent of this present act; and thereupon notify their coming, and present themselves, and deliver their true names in writing to the minister or curate of the parish, and to the constable, headborough or tithingman of the town, within such time, and in such manner and form as is aforesaid; or at any time after such

The penalty of a recusant of small ability not repairing to the place appointed, or departing thence.

their repairing to any such place as is before appointed, shall pass or remove above five miles from the same; (3) and shall not within three months next after such person shall be apprehended or taken for offending as is aforesaid, conform themselves to the obedience of the laws and statutes of this realm, in coming usually to the church to hear divine service, and in making such publick confession and submission, as hereafter in this act is appointed and expressed, being thereunto required by the bishop of the diocese, or any justice of the peace of the county where the same person shall happen to be, or by the minister or curate of the parish; (4) that in every such case every such offender, being thereunto warned or required by any two justices of the peace or coroner of the same county where such offenders shall then be, shall upon his or their corporal oath before any two justices of the peace, or coroner of the same county, abjure this realm of *England*, and all other the Queen's majesty's dominions for ever; (5) and thereupon shall depart out of this realm at such haven and port, and within such time, as shall in that behalf be assigned and appointed by the said justices of peace or coroner, before whom such abjuration shall be made, unless the same offenders be letted or stayed by such lawful and reasonable means or causes, as by the common laws of this realm are permitted and allowed in cases of abjuration for felony; and in such cases of let or stay; then within such reasonable and convenient time after, as the common law requireth in case of abjuration for felony as is aforesaid.

Recufants ab-juring and departing the realm.

Entering abjuration of record, and certifying the same.

IX. And that every justice of peace or coroner before whom any such abjuration shall happen to be made as is aforesaid, shall cause the same presently to be entred of record before them, and shall certify the same to the justices of assises or gaol-delivery of the said county, at the next assises or gaol-delivery to be holden in the same county.

It shall be felony for a recusant not to abjure, not going, or returning without licence.

X. And if any such offender, which by the tenor and intent of this act is to be abjured as is aforesaid, shall refuse to make such abjuration as is aforesaid, or after such abjuration made shall not go to such haven, and within such time as is before appointed, and from thence depart out of this realm, according to this present act, or after such his departure shall return or come again into any her Majesty's realms or dominions, without her Majesty's special licence in that behalf first had and obtained; that then in every such case the person so offending shall be adjudged a felon, and shall suffer and lose as in case of felony without benefit of clergy.

A jesuit or priest refusing to answer shall be imprisoned. 1 Salk. 351.

XI. And be it further enacted and ordained by the authority aforesaid, That if any person which shall be suspected to be a jesuit, seminary or massing priest, being examined by any person having lawful authority in that behalf to examine such person which shall be so suspected, shall refuse to answer directly and truly whether he be a jesuit, or a seminary or massing priest, as is aforesaid, every such person so refusing to answer shall for his diso-

disobedience and contempt in that behalf, be committed to prison by such as shall examine him as is aforesaid, and thereupon shall remain and continue in prison without bail or mainprise, until he shall make direct and true answer to the said questions whereupon he shall be so examined.

XII. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any of the persons which are hereby limited and appointed to continue and abide within five miles of their usual dwelling-place, or of such place where they were born, or where their father or mother shall be dwelling as is aforesaid, shall have necessary occasion or business to go and travel out of the compass of the said five miles; that then and in every such case, upon licence in that behalf to be gotten under the hands of two of the justices of the peace of the same county, with the privity and assent in writing of the bishop of the diocese, or of the lieutenant, or of any deputy-lieutenant of the same county, under their hands, it shall and may be lawful for every such person to go and travel about such their necessary business, and for such time only for their travelling, attending and returning, as shall be comprized in the same licence; any thing before in this act to the contrary notwithstanding.

XIII. Provided also, That if any such person so restrained as is aforesaid, shall be urged by process, without fraud or covin, or be bounden without fraud or covin, to make appearance in any of her Majesty's courts, or shall be sent for, commanded or required by any three or more of her Majesty's privy council, or by any four or more of any commissioners to be in that behalf nominated and assigned by her Majesty, to make appearance before her Majesty's said council or commissioners; that in every such case, every such person so bounden, urged, commanded or required to make such appearance, shall not incur any pain, forfeiture or loss for travelling to make appearance accordingly, nor for his abode concerning the same, nor for convenient time for his return back again upon the same.

XIV. And be it further provided and enacted by the authority aforesaid, That if any such person or persons so restrained as is aforesaid, shall be bound, or ought to yield and render their bodies to the sheriff of the county where they shall happen to be, upon proclamation in that behalf without fraud or covin to be made; that then in every such case, every person which shall be so bounden, or ought to yield and render their body as aforesaid, shall not incur any pain, forfeiture or loss for travelling for that intent and purpose only, without any fraud or covin, nor for convenient time taken for the return back again upon the same.

XV. And furthermore be it enacted by the authority of this present parliament, That if any person or persons that shall at any time hereafter offend against this act, shall before he or they shall be thereof convicted, come to some parish church on some Sunday or other festival day, and then and there hear di-

vine

Licence to travel above five miles.

Repealed by 3 Jac. I. c. 5. s. 6.

Persons urged by process or commandment.

Persons which are to yield their bodies to the sheriff.

An offender upon open submission shall be discharged.

vine service, and at service-time, before the sermon, or reading of the gospel, make publick and open submission and declaration of his and their conformity to her Majesty's laws and statutes, as hereafter in this act is declared and appointed; that then the same offender shall thereupon be clearly discharged of and from all and every pains and forfeitures inflicted or imposed by this act for any of the said offences in this act contained: (2) the same submission to be made as hereafter followeth: that is to say,

The form of the submission.

XVI. I *A. B.* do humbly confesse and acknowledge, That I have grievously offended God in contemning her Majesty's godly and lawful government and authority, by absenting my self from church, and from hearing divine service, contrary to the godly laws and statutes of this realm: (2) and I am heartily sorry for the same, and do acknowledge and testify in my conscience, that the bishop or see of *Rome* hath not, nor ought to have, any power or authority over her Majesty, or within any her Majesty's realms or dominions: (3) and I do promise and protest, without any dissimulation, or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform her Majesty's laws and statutes, in repairing to the church, and hearing divine service, and do my uttermost endeavour to maintain and defend the same.

The minister shall enter the submission.

XVII. And that every minister or curate of every parish, where such submission and declaration of conformity shall hereafter be so made by any such offender as aforesaid, shall presently enter the same into a book to be kept in every parish for that purpose, and within ten days then next following shall certify the same in writing to the bishop of the same diocese.

A recusant submitting, falleth into a relapse. 1 Bulstr. 133.

XVIII. Provided nevertheless, That if any such offender, after such submission made as is aforesaid, shall afterward fall into relapse, or estoons become a recusant, in not repairing to church to hear divine service, but shall forbear the same, contrary to the laws and statutes in that behalf made and provided; that then every such offender shall lose all such benefit as he or she might otherwise by virtue of this act have or enjoy by reason of their said submission; and shall thereupon stand and remain in such plight, condition and degree, to all intents, as though such submission had never been made.

Women bound, saving for abjuration. Bridg. 120.

XIX. Provided always, and be it enacted by the authority aforesaid, That all and every woman married, or hereafter to be married, shall be bound by all and every article, branch and matter contained in this statute, other than the branch and article of abjuration before-mentioned: (2) and that no such woman married, or to be married, during marriage, shall be in any wise forced or compelled to abjure, or be abjured, by virtue of this act; any thing therein contained to the contrary thereof notwithstanding. 23 *Eliz. c. 1.* 29 *Eliz. c. 6.* 1 *Jac. I. c. 4.* 3 *Jac. I. c. 4, 5.*

CAP. III.

An act for explanation of the statute made in the thirty-fourth year of King Henry the Eighth, as well touching grants made to his Majesty, as for confirmation of letters patents made by his Highness to others.

Forasmuch as divers ambiguities, doubts and questions have risen and been moved, as well touching divers surrenders, grants and conveyances made and granted by sundry late abbots, priors and other religious and ecclesiastical persons, to the late King of famous memory King Henry the Eighth, after the fourth day of February in the seven and twentieth year of his reign, of divers their honours, manors, lands, tenements and hereditaments; (2) as also touching and concerning the validity of the erections of such deans and chapters, and such colleges as were erected, ordained, made or founded by the said late King Henry the Eighth, after the said fourth day of February in the said seven and twentieth year of his reign: (3) and forasmuch as the same doubts and questions seem not to be sufficiently remedied or provided for by the statute made in the four and thirtieth year of the reign of the said late King Henry the Eighth, intituled, An act for confirmation of letters patents, notwithstanding misnaming of any thing contained in the same, &c.

All abbey lands which came to the hands of King H. 8. &c. shall be adjudged to have been in his actual and lawful possession, &c. and all letters patents made by him for the foundation of any dean and chapter, or college, shall be reputed good:
34 & 35 H. 8.
rights saved.

c. 21. 11 Co. 11. 3 Co. 73. Other mens

CAP. IV.

Every parish shall be charged with a sum weekly towards the relief of sick, hurt and maimed soldiers and mariners. *Continued to the end of the first session of the next parliament, by 43 Eliz. c. 9. s. 29.*

CAP. V.

A confirmation of the attainder of Sir Francis Englefield, that went forth of the realm Anno 1 Eliz. by the Queen's licence, and was attainted of high treason, as well by the statute of 29 Eliz. c. 1. as by the common law: his lands established to be in the Queen, her heirs, successors or assigns; the Queen shall take the advantage of revocating of an assurance with a condition made by him upon the tender of a ring of gold.
7 Co. 11.

CAP. VI.

No new buildings shall be erected within three miles of London or Westminster. One dwelling-house in London, Westminster, or three miles thereof, shall not be converted into more. No inmates or under-fitters shall be in the places aforesaid. Commons or waste grounds, lying within three miles of London, shall not be inclosed. A mile shall contain eight furlongs, every furlong forty poles, and every pole shall contain sixteen foot and an half. E X P. 31 Eliz. c. 7.

CAP. VII.

An act for the reviving, continuance, explanation and perfecting of divers statutes.

Cables, ships.
23 H. 8. c. 12.

WHERE in the first session of parliament begun in the city of London the third day of November in the one and twentieth year of the reign of our late sovereign lord of famous memory, King Henry the Eighth, and from thence adjourned and prorogued to the palace of Westminster, an act or statute was made, intituled, An act for the true making of cables, halfers and ropes.

Cattle.
24 H. 8. c. 9.

II. And where in the parliament holden upon prorogation at Westminster the fourth day of February in the four and twentieth year of the reign of the said King, one other act was then and there made, intituled, An act against killing of young beasts, called weanlings.

Cattle.
3 & 4 Ed. 6.
c. 19.

III. And where in the session of a parliament ended at Westminster the first day of February in the fourth year of the reign of our late sovereign lord King Edward the Sixth, one act was made concerning the buying and selling of rother-beasts and cattle:

Victual.
3 & 4 Ed. 6.
c. 21.

IV. And also one other act was then and there likewise made, intituled, An act for the buying and selling of butter and cheefe.

Fish.
2 El. c. 17.

V. And where also in the parliament begun at Westminster the three and twentieth day of January in the first year of the reign of the Queen's majesty that now is, and there continued by prorogation until the dissolution thereof, an act was then and there made, intituled, An act for the preservation of spawn and fry of fish.

Husbandry.
5 El. c. 2.

VI. And where also in the first session of parliament holden at Westminster the twelfth day of January in the fifth year of her Highness reign, one act was then and there made, intituled, An act for maintenance and increase of tillage:

Merchants.
5 El. c. 7.

VII. And one other act was then and there likewise made, intituled, An act for the avoiding of divers foreign wares, made by handicraftsmen beyond the seas:

Fish.
5 Eliz. c. 5.

VIII. And one other act was likewise then and there made, intituled, An act touching certain politick constitutions made for the maintenance of the navy.

Games.
8 El. c. 10.

IX. And where also in the last session of the parliament holden by prorogation at Westminster the last day of September in the eighth year of her Majesty's reign, one act was then and there made, intituled, An act for bowyers and the prices of bows.

Leases.
13 El. c. 20.

X. And where also in the parliament begun and holden at Westminster in the second day of April in the thirteenth year of her Majesty's reign, there was one act and statute made for the avoiding of some leases in certain cases to be made of ecclesiastical promotions with cure, intituled, An act touching leases of benefices, and other ecclesiastical livings with cure.

Purveyors.
13 Eliz. c. 21.

XI. And where also there was one other act and statute made in the said parliament begun and holden at Westminster the said second day of April in the said thirteenth year, intituled, An act that purveyors may take grain, corn or victuals within five miles of Cambridge and Oxford in certain cases:

Usury.

XII. And also one other act was then and there made, intituled, An act against usury.

XIII. An.

XIII. *And where in the parliament holden at Westminster the eighth day of May in the fourteenth year of her Highness reign, there was one other act made, intituled, An act for the continuation, explanation, perfecting and enlarging of divers statutes; in which statute are contained divers branches, clauses and provisions touching and concerning the explanation, perfecting and enlarging of divers of the statutes before mentioned.* 13 Eliz. c. 8.
14 Eliz. c. 11.

XIV. *And where also in the first session of the parliament begun and holden at Westminster the eighth day of May in the fourteenth year of the Queen's highness reign that now is, and from thence continued by prorogation till the dissolution thereof, there was one other act made, intituled, An act for the punishment of vagabonds, and for the relief of the poor and impotent.* Poor.
14 Eliz. c. 9.

XV. *And where in the parliament holden at Westminster afore-said in the eighteenth year of her Majesty's reign, there was one other act made, intituled, An act for setting the poor on work, and for the avoiding of idleness: (2) and also one other act was then and there made, intituled, An act for the repairing and amending the bridges and highways near unto the city of Oxenford: (3) and where in the parliament holden at Westminster the sixteenth day of January in the three and twentieth year of her Majesty's reign, one act was made, intituled, An act for the repairing of Dover haven.* Poor.
18 Eliz. c. 3.
Ways.
18 Eliz. c. 20.
Sewers.
23 Eliz. c. 6.

XVI. *And where in the parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of her Majesty's reign, one other act was made for the reviving, continuance, explanation and perfecting of divers statutes, in which are contained divers branches, provisions and clauses touching and concerning certain additions and alterations unto and of divers of the said former recited statutes, and other new provisions.* Continuance.
27 Eliz. c. 11.

XVII. *And where in the said parliament holden at Westminster the three and twentieth day of November in the seven and twentieth year of the Queen's majesty's reign that now is, there was an act made for the levying of issues lost by jurors.* Enquest.
27 Eliz. c. 7.
27 Eliz. not
printed.

XVIII. *And also there was then and there one other act made, intituled, An act for the good government of the city or borough of Westminster.* Franchise.

XIX. *And whereas in the parliament holden at Westminster upon prorogation the fourth day of November in the second year of the reign of the late King of most famous memory, King Edward the Sixth, one act was made, intituled, An act for the true making of malt, which said statute was discontinued, and by another act made in the said parliament holden at Westminster in the said twenty-seventh year of the Queen's majesty's reign that now is, intituled, An act for the reviving of a former statute for the true making of malt, was revived and continued: (2) and also one other act was then and there made, intituled, An act for the keeping of the sea-banks and sea-works in the county of Norfolk. (3) And where in the said parliament holden at Westminster the fourth day of February in the thirty-first year of the Queen's majesty's reign that now is, there was an act made, intituled, An act for the true gaging of vessels* Corn.
2 & 3 Ed. 6.
c. 10.
27 Eliz. c. 14.
Sewers.
27 Eliz. c. 24.
Measures.
31 Eliz. c. 8.

Sewers.

31 Eliz. c. 13.

Franchise.

Continuance
until the end
of the next
parliament of
the before
mentioned
statutes.

Dover haven.

Husbandry.

Part of the
stat. of 5 Eliz.
c. 2. repealed,
touching ear-
ing, using and
keeping in
tillage.

39 Eliz. c. 1.

A repeal of
the statute of
5 Eliz. c. 5. and
24 H. & c. 4.
touching sow-
ing of hemp
and flax.

brought from beyond the seas, converted by brewers for the utterance and sale of ale and beer: (4) *and also one other act was then and there made, intituled, An act for reviving and enlarging of a statute made in the twenty-third year of her Majesty's reign, for repairing of Dover Haven: (5) and also one other act was then and there made, intituled, An act for the relief of the city of Lincoln: (6) forasmuch as the branches, clauses and provisions, contained and specified in the said two acts of continuance, made in the fourteenth and seven and twentieth year of her Majesty's reign, in addition, alteration, explanation, perfecting and enlarging of divers the said statutes, and other statutes, and all the residue of the said recited acts, do seem good and beneficial to the weal and profit of this realm: (7) be it enacted by the authority of this present parliament, That the said branches, clauses and provisions of the said two acts of continuance, and all the residue of the said recited statutes and acts, and every of them, and all and every article, clause and sentence in them and every of them contained, and by this present act not repealed, except the said act concerning the repairing of Dover haven, shall be continued and endure in force and effect until the end of the parliament next ensuing. (8) And as concerning the said act touching the repairing of Dover haven, the said act shall be by authority of this parliament continued, and endure in force and effect from and after the end of the term limited by that act, and yet continuing, until the end of the next parliament then next ensuing.*

XX. Provided always, and be it also enacted by the authority aforesaid, That all and every such branch and branches of the said statute made for the maintenance and increase of tillage, as concern the earing, ploughing, using and keeping in tillage for ever, of such lands or grounds, or so much in quantity, as before the making of that statute had been eared or ploughed, and put in tillage in any one year, and so kept in tillage by the space of four years, at any time sithence the feast of St. George the martyr in the twentieth year of King Henry the Eighth, and every matter, clause, article, provision, penalty, and forfeiture in the said statute concerning the same, shall so far forth only as they concern the same, from henceforth be repealed, cease, and be utterly void; any thing in the said statute or in this present act to the contrary notwithstanding.

XXI. Provided also, and be it enacted by the authority aforesaid, That so much of the said statute made for the maintenance of the navy, as heretofore at any time was repealed, and all and every such branch and branches of the said statute as concern the sowing of flax or hemp, or the reviving of one statute concerning sowing of flax or hemp, made and provided in the parliament holden in the four and twentieth year of the reign of King Henry the Eighth, and every matter, clause, article, provision, penalty and forfeiture in the said statute concerning the same, shall so far forth only as they concern the same, from henceforth be repealed, cease, and be utterly void; any thing in the said statute or in this present act to the contrary notwithstanding.

XXII. Pro-

XXII. Provided also, and be it further enacted by the authority aforesaid, That every person eating any flesh upon any fish-days, contrary to the form of the said statute made for the maintenance of the navy, shall forfeit only twenty shillings, or else suffer only one month's close imprisonment without bail or mainprize: (2) and every person or persons within whose house any such offence shall be done, and being privy or knowing thereof, and not effectually publishing or disclosing the same to some publick officer having authority to punish the same, for every such offence to forfeit only thirteen shillings and four pence; any thing in the said statute contained to the contrary notwithstanding.

XXIII. Provided also, and be it further enacted by the authority of this present parliament, That when the price of corn or grain exceedeth not the rates hereafter following, at the times, and havens and places where and when the same corn or grain shall be shipped or loaden, viz. the quarter of wheat at twenty shillings, the quarter of rye, pease and beans at thirteen shillings and four-pence, the quarter of barley or malt at twelve shillings of current *English* money; That then it shall be lawful for all and every person and persons being subjects of her Majesty, her heirs or successors, to load, carry or transport any of the said corn or grain in such manner and form, as in the said act made for the maintenance of the navy is limited and appointed: (2) and that the Queen's majesty, her heirs and successors, shall have and receive by the customers and officers of her ports, for the custom or poundage of every quarter of wheat to be transported by force of this statute, two shillings, and of every quarter of any other grain, sixteen pence. (3) Which said severall sums so to be had or taken as custom or poundage, to be in full satisfaction of all manner of custom or poundage for the said corn or grain, by any constitution, order, statute, law or custom heretofore made, used or taken, for transporting of any such manner of corn or grain.

XXIV. Provided also, and be it enacted by the authority aforesaid, That so much of the said statute made in the fourteenth year of her Majesty's reign, intituled, *An act for the punishment of vagabonds, and for the relief of the poor impotent*; and of the said statute made in the eighteenth year of her Majesty's reign, intituled, *An act for setting the poor on work, and for avoiding of idleness*, as concerneth the punishment of vagabonds, by gaoling, boring through the ear, and death in the second degree, and every matter, clause, article and provision in the said statute contained concerning the same, shall so far forth only as they concern the same, from henceforth be repealed, cease and be utterly void; any thing in this statute contained to the contrary notwithstanding.

XXV. And be it further enacted by the authority aforesaid, That so much of one act made in the two and twentieth year of King Henry the Eighth, intituled, *An act concerning how aged*,

F f 3

Fish.
A diminution
of the penalty
of the stat. of
5 El. c. 5.
for eating of
flesh upon
fish-days.
E X P.

Corn.
5 Eliz. c. 5.
Transporting
of Corn.
See 1 Jac. 1.
c. 25. f. 26.
27 Jac. 1. c. 28.
f. 3. & 3 Car. 1.
c. 4. f. 24.
1 W. & M.
Sess. 1. c. 12, 24.

The Queen's
custom for
every quarter
of corn trans-
ported.

Poor.
So much of
the stat. of
14 El. c. 5.
and 18 El. c. 3.
as doth concern
the gaoling,
boring
and death of
vagabonds,
repealed.

Poor.
A reviver of
the statute of
22 H. 8. c. 12.
poor

touching the order of aged, poor and impotent persons. Rep. 12 Ann. stat. 2. c. 23.

poor and impotent persons compelled to live by alms, shall be ordered, and how vagabonds and mighty strong beggars shall be punished, as concerneth the punishment of any such beggar, impotent or vagabond person, by whipping, and all branches, articles and clauses depending upon the same (other than the compelling of such persons to be sworn) shall from henceforth stand and be revived, and remain in his full force and strength.

Ways. 18 El. c. 20.

XXVI. Provided always, and be it enacted by the authority aforesaid, That the said act made in the eighteenth year of her Majesty's reign for the repairing and amending of the bridges and highways near unto the city of *Oxon*, or any therein contained, shall not charge with any thing towards the amending of the said bridges and highways, any person or householder inhabiting within five miles of the university and city of *Oxon*, not having in possession one yard-land: (2) and that every person having one yard-land, or more in his possession, lying within the said five miles, shall pay yearly the sum of four-pence only, for every yard-land, before the feast of *Pentecost*, unto the vice-chancellor and mayor for the time being, or their deputy or deputies, towards the amending of the said bridges and highways, and no other penalty; (3) with like remedy by distress, for every sum of four pence which shall be due and not paid as aforesaid, as is contained in the said statute for any penalty therein limited.

He that hath a yard-land within five miles of *Oxford* shall yearly pay four-pence towards the repair of bridges.

Poor. It is lawful to give land towards the maintenance of the house of correction, or of the poor. 39 Eliz. c. 5.

XXVII. And be it also enacted by the authority aforesaid, That it shall be lawful for every person for and during the space of twenty years next ensuing, to make feoffments, grants, or any other assurances, or by last will in writing to give and bequeath in fee-simple, as well to the use of the poor, as for the provision, sustentation or maintenance of any house of correction or abiding-houses, or of any stocks or stores, all or any part of such of his lands, tenements and hereditaments, and in such manner and form, as he might have done to and for the provision, sustentation or maintenance of any houses of correction or abiding-houses, or of any stocks or stores by force of the said statute.

Merchants. 23 Eliz. c. 6. Repair of *Dover*-haven.

XXVIII. Provided always, and be it enacted by the authority of this present parliament, That all ships, barks, vessels or crayers, whereof any of her Majesty's subjects shall be owners or part-owners, of the burthen of twenty tun or upwards, loading or discharging within this realm, and passing to and fro any foreign country, that are of any port, haven or creek in *Severn*, from the land's end in *Cornwall* to *Bristol*, and from thence to *Gloucester*, and from *Milford*-haven to *Chester*, *Liverpool* and all the ports and creeks to them or either of them belonging in *St. George's Channel*, and from the said places back again, shall after the eighth day of *May*, which shall be in the year of our Lord God one thousand five hundred ninety and six, be discharged of the three-pence of every tun for the reparation of *Dover* haven, the said statutes made for the repairing of *Dover* haven, or either of them, or any thing therein contained

tained to the contrary notwithstanding: except any of the said ships, barks, vessels or crayers shall go for *Dover* or to the eastward; (2) and that as well the said ships, barks, vessels and crayers that shall go for *Dover* or to the eastward, as also all the ships, barks, vessels and crayers which shall cross the narrow seas, shall pay in manner and form as hereafter is expressed and no more: that is to say, if they go outward with any manner of loading, not a quarter laden, then to pay after the rate of a quarter loading, and so rateably upwards according to their loading: but homeward to pay according to the full rate of the entry of their loading of every ship, bark, vessel or crayer.

XXIX. And be it also enacted by the authority aforesaid, That one act made in the seven and twentieth year of her Majesty's reign, intituled, *An act for the maintenance of the pier and cobbe of Lyme-Regis in the county of Dorset*, shall be renewed, and stand in his full force and strength, for and during the space of ten years next ensuing, and so from thenceforth to the end of the next parliament then next ensuing.

XXX. And be it further enacted by the authority of this present parliament, That one act made in the parliament holden at *Westminster* the three and twentieth day of *November* in the seven and twentieth year of her Highness reign, intituled, *An act touching the breadth of white woollen clothes, made in the counties of Wilts, Gloucester, Somerset and Oxen, &c.* and all and every the branches, clauses and provisions in the same contained, shall from henceforth be, remain and continue in force and effect for ever.

XXXI. Provided always, That this act, nor any thing therein contained, shall not be prejudicial or hurtful to any former letters patents or licence granted by her Majesty, to any person or persons, bodies politick or corporate, for the transportation of any corn or grain, either at any lesser customs or subsidies than is contained in this present act, or without any custom or subsidy; (2) but that they and every of them, their deputies and assigns, shall and may transport grain hereafter, for the time in their several letters patents specified, either at such prices and rates, or without custom or subsidy, in such manner and form as in the said letters patents is contained, according to the form and effect of the same letters patents, and in such manner and form, and not otherwise, to all intents and purposes, as if this present act had never been had or made.

XXXII. Provided always, and be it enacted by the authority of this present parliament, That the Queen's majesty, her heirs and successors may, at all times by her and their writ of proclamation be published generally in the whole realm, or in any the counties of the realm where any port-towns are, command, That no person shall by virtue of this act transport or carry any manner of grain out of her Highness dominions generally, or out of any special ports to be in the same proclamation particularly named, for such time as shall be therein limited and appointed.

Sewers.
27 El. not im-
printed; for
the mainte-
nance of the
pier of Lyme-
Regis.

Drapery.
27 Eliz. c. 17.
The breadth
of woollen
clothes in
Wiltshire,
Gloucester,
Somerset and
Oxfordshire.
43 El. c. 10.

The Queen's
licence for
transporting
of corn at less
custom than is
before ex-
pressed.

The Queen
may restrain
transporting
of corn by
proclamation.

7 & 2 Ph. & M.

c. 5.

13 Eliz. c. 13.

XXXIII. And that it shall not be lawful for any person to carry out any such grain, contrary to the tenor of the same proclamation, upon such pains and forfeitures as by the laws and statutes of this realm are and have been provided and ordained in that behalf; this act or any thing therein contained to the contrary notwithstanding.

C A P. VIII.

An act for the avoiding of deceit used in making and selling of twice laid cordage, and for the better preserving of the navy of this realm.

Several penalties for making of cables of old stuff, being above or under seven inches in compass.

FOrasmuch as it is found by common experience, That sundry persons using the trade of making cables, halvors, and other kind of cordage, within this realm, have of late for their private lucre and gain used to make the same of old, cast and over-worn cables, halvors and cordage, and yet have craftily and deceitfully uttered and sold the same, being tarred, as new, good and strong, and as made of new and perfect stuff, covering and hiding the false and corrupt making thereof, by tarring of them before the same be put to sale; by reason whereof, not only divers ships, vessels and goods, as well of her Majesty's, as of sundry her highness subjects, but also the lives of divers of her said subjects, have been lost, perished and cast away:

II. For remedy thereof, and for the avoiding of such great losses inconveniences and dangers, as might otherwise hereafter ensue by such corrupt false and deceitful making of cables, halvors, and other cordage as is aforesaid.

Old stuff put into new cables.

III. Be it enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, shall after forty days next after the end of this session of parliament, make or cause to be made any cables of any old and over-worn stuff, which shall contain above seven inches in compass, then every person so offending shall forfeit and lose four times the value of every such cable so by him or her made, or caused to be made, as is aforesaid: (2) and if any person or persons, after the said forty days next after the end of this session of parliament, shall tarr or caused to be tarred, any halvors or other cordage made within this realm of such old and over-worn stuff as aforesaid, being of lesser assise, and not containing in compass seven inches, and shall after by way of retail, sell or put to sale, or cause to be sold or put to sale, the same being so tarred; that every person so offending shall forfeit and lose the treble value of every cable, halvor and other cordage, being of lesser assise, and made of such old and over-worn stuff as is aforesaid, which shall be so sold or put to sale, being tarred as aforesaid: (3) the one moiety of all which forfeitures shall be to the Queen's majesty, her heirs and successors, and the other moiety to such person or persons as will sue for the same by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed.

The penalty for tarring of cables, cordage, &c.

IV. And

IV. And furthermore, that every person which shall in any Imprison-
wise offend against the tenor and meaning of this act, shall be ment.
imprisoned for the same during her Majesty's pleasure.

C A P. IX.

*An act touching the breadth of plunkets, azures and blues,
and other coloured clothes, made within the county of So-
merfet, and elsewhere of like making.*

WHEREAS in the parliament holden at Westminster in the The effect of
fifth and sixth years of the reign of our late sovereign lord the stat. of
King Edward the Sixth, one statute was made, intituled, An act 5 & 6 Ed. 6.
for the true making of woollen cloth, whereby (among other things) c. 6. touching
it was enacted, That all broad plunkets, azures, blues and other the making of
coloured cloth, which after the feast of St. Michael the archangel plunkets, &c.
then next coming should be made within the shires of Wilts, Glou- in Wiltshire,
cester or Somerset, or elsewhere of like making, should contain in Gloucester and
length, being through wet, betwixt twenty-five and twenty-eight Somersetshire.
yards, yard and inch of the rule, and should be seven quarters within
the lists at the least, and listed according to the ancient custom, and
being well scoured, thicked, milled and fully dried, should weigh
sixty-eight pounds the piece at the least, as by the said act, among
divers clauses, articles and provisions contained in the same, more
plainly is expressed: (2) sithence the making of which said statute, al-
though the makers of the said coloured clothes have endeavoured them-
selves, according to their best skill and industry, to perform and fulfil
the said recited statute in every of their clothes, as much as in them
did lie, as touching the breadth of clothes, and to that end and pur-
pose have allowed and do allow so much yarn and stuff to every such
cloth, as might sufficiently serve to make all the said coloured clothes
full out in length, breadth and weight, according to the said statute
made in the fifth and sixth years of King Edward the Sixth; yet not-
withstanding many times, by reason of the divers natures in the wools, The stat. of
and by the great diversities in the spinning, carding and milling, many 5 & 6 Ed. 6. c. 6.
of the said coloured clothes made within the said county of Somerset, not performed
and elsewhere of like making, do not contain full seven quarters in for the breadth
breadth, according to the said statute made in the fifth and sixth years of cloth, and
of King Edward the Sixth, and yet no default touching the said yet no default
breadth can justly be imputed to the maker thereof, for that the said in the cloth-
cloth-makers (as experience daily sheweth) cannot observe the said makers.
former statute in all the said clothes, as touching the breadth, al-
though they endeavour themselves never so much thereunto: (3)
which clothes not containing their full assise in breadth as is aforesaid,
are many times taken and seised by the searchers of London, when
they come to their market at Blackwell-Hall, to the great loss and
damage of the said cloth-makers, and to the great hindrance of
cloth-making within the said county: (4) in consideration where-
of, albeit it is not hereby intended to repeal or make void
the said former recited statute, otherwise than is hereafter
expressed; yet nevertheless, be it enacted by the Queen's
most excellent majesty, with the assent of the lords spiritual
and

and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That no person or persons shall be hereafter charged for any such default which hereafter shall be in any of the said broad plunkets, azures, blues, or other coloured clothes, for want of breadth of seven quarters, so that the same cloth do contain in breadth, being thoroughly wet, six quarters and a half at the least within the lists unwrought, and listid according to the ancient custom; any thing in the said former recited statute mentioned to the contrary in any wise notwithstanding.

The cloth six quarters and a half broad being wet.

The penalty if any of the said clothes be not in breadth six quarters and a half.

The penalty for want of weight. 5 & 6 Ed. 6. c. 6.

Weight sixty-eight pounds. Length twenty seven yards. Repealed 43 El. c. 10. f. 9. as to other lengths of cloibers.

4 & 5 Ph. & M. c. 5.

II. Provided always, and be it enacted by the authority aforesaid; That if any of the said clothes shall not contain six quarters and an half at the least within the lists as is aforesaid, that then every person offending in that behalf shall for every such cloth be subject to such pains, penalties and forfeitures, as were by force of the former recited statute of the fifth and sixth years of King *Edward* the Sixth, to have been forfeited for want of breadth of seven quarters within the lists.

III. And be it nevertheless enacted by the authority aforesaid, That if any of the said broad plunkets, azures, blues or other coloured clothes, being well scoured, thicked, milled and fully dried, shall contain in weight any less than sixty eight pounds at the least, that then every of the said clothiers therein offending shall incur double such penalties and forfeitures for every pound so wanting of the said weight, and not weighing after such rate as is before expressed in and by the said statute made in the fifth and sixth years of King *Edward* the Sixth, is limited and appointed.

IV. And be it nevertheless enacted by the authority aforesaid, That if any of the clothes to be made within the county of *Somerset*, or elsewhere of like making, called plunkets, azures and blues, being well scoured, thicked, milled and fully dried, shall contain in weight any less than sixty eight pounds at the least; or if any of the said clothes shall contain in length any more than twenty-seven yards at the most; that then every of the same clothiers therein offending shall incur double such penalties and forfeitures for every pound so wanting, as by the said statute of the fifth and sixth years of the reign of King *Edward* the Sixth are to such defaults limited and appointed: (2) and for every yard that any such cloth shall contain above twenty-seven yards in length, and not weighing after such rate as is before expressed, the maker of every such cloth shall incur double the penalties by the statute of the fourth and fifth years of the reigns of King *Philip* and Queen *Mary*, to such defaults limited and appointed,

CAP. X.

An act for the reformation of sundry abuses in clothes, called Devonshire kersies or dozens, according to a proclamation of the thirty-fourth year of the reign of our sovereign lady the Queen that now is.

IN their most humble and dutiful wise shewen and beseechen your Highness, your true and faithful subjects, the clothiers, merchants and chapmen of your county of Devon, and of the counties adjoining, That where in the month of January in the four and thirtieth year of your Majesty's most happy reign, as well at the humble suit and petition of sundry your said subjects, as upon certificate of divers justices in your Highness said county of Devon, and upon complaint of the states of Holland, it pleased your Highness, with the advice of your most honourable privy council, by your Highness proclamation, for the reformation of the insufficiencies grown in the clothes called Devonshire kersies or dozens, (a commodity heretofore in great request, price and estimation, both amongst your natural subjects, and in foreign nations and countries) but of late marvellously (and not without occasion) discredited by the inventions and new devices of the weavers, tuckers and artificers, To command that the laws before that time made, and standing in force not repealed, for and concerning the premises, should be duly accomplished in all things: and that every officer should diligently perform his office accordingly: (2) and that the weight of the said kersies or dozens, being raw, and wrought with clean stuff, without any deceitful addition, should weigh fifteen pounds, and contain in the market at least between fifteen and sixteen yards in length, and that the same should be sewantly woven throughout of like sorted yarn, forbidding all other deceits in weaving, and all diminishing and unreasonable drawing, stretching and other deceits in tuckers: (3) and that each weaver should weave his shop-mark in each dozen, and a purrel in each end thereof: (4) and that officers should be appointed in market-towns, to view, weigh and try the same kersies, whether they were in length, weight or goodness, according to the rate and proportion set forth in the same proclamation: the same proclamation to endure till the first day of this present parliament, as by the same more at large may appear.

The weight and length of a Devonshire kersie raw, and of a rudge-wash, kersie, &c.

II. Now, most gracious sovereign, forasmuch as by the said proclamation, great order and better making of the said clothes for weight and length thereof hath ensued, and to the end that hereafter further discovery and restraint of all abuses and deceits contrary to the former laws and statutes of this realm may be provided for, to the reviving of the reputation of so good, profitable and necessary a commodity, (2) it may please your Majesty, with the assent of the lords spiritual and temporal, and the whole commonalty, assembled in this present parliament, and by the authority of the same, That it may be enacted and established, as followeth, that is to say, That from and after the first day of July now next coming, each kersie called Devonshire kersie or dozen, which shall be made and woven within the

5 & 6 Ed. 6. c. 6.
4 & 5 Ph. & M. c. 5.

The weight of a Devonshire kersie or dozen raw.

saïd county of *Devon*, or any other county next adjoining thereunto, being raw, unfoured, untucked and unwet, as it cometh from the weaver's beam, and being made of clean and perfect stuff, that is to wit, of wool shorn, cleansed and thoroughly washed or scoured after the shearing, and before the weaving, without any fraud, deceit, policy or device, or any stuff thereunto deceitfully or unlawfully added in the working or after the working thereof, for increase of the weight, shall weigh in the market fifteen pounds or upwards.

III. And that from and after the saïd first day of *July* every raw *Devonshire* kersie or dozen from thenceforth to be woven and made in the saïd county of *Devon*, or any of the other counties adjoining, being a rudge-wash kersie, that is to say, being made of fleece wool washed only on the sheeps backs, and the wool not being cleansed, washed and scoured after it is shorn and before it is woven, shall (without any fraud, deceit, policy, device or addition of stuff whatsoever, to increase the weight thereof) weigh in the market seventeen pounds at the least, being raw as it cometh of the weaver's beam; (2) and each and every of the same *Devonshire* kersies or dozens, so being raw, and as it cometh forth off the weaver's loom (without racking, stretching, straining or other device to encrease the length thereof) shall contain in length between fifteen and sixteen yards by the measure of yard and inch by the rule, (3) without which observation of weight being raw, they cannot fall out (after they be well scoured, thicked and fully dried) to contain the length and weight expressed and limited in the statute of the fourth and fifth year of *Philip* and *Mary*, viz. twelve yards in length, and twelve pounds in weight, as hath been sufficiently made known and testified to your Highness saïd privy council, before the saïd proclamation.

IV. And if any weaver shall work or make any of the saïd kinds of kersies of less weight or measure than is before mentioned after their kind, every such offender shall forfeit for every quarter of a pound in weight, which any of the saïd raw kersies or dozens which shall be brought to any market, or sold or offered to be sold, shall want of their weight aforesaid, twelve-pence: (2) and for every quarter of a yard which shall be wanting in length of either sort of the saïd kersies, likewise being sold or offered to be sold, twelve pence: (3) and that each sort of the saïd kersies or dozens shall be sewantly woven throughout of well and like sorted yarn: (4) and that no weaver shall use any diversity in the bigness or goodnes of his yarn in any part of the saïd kersies, saving only in the lists, nor use any other practice in edging or weaving of any the same kersies or dozens, to make the same seem finer near the edges or lists, than in any other part of the same cloth.

V. And that it may be further enacted by the authority aforesaid, That each weaver shall weave his shop-mark of some coloured yarn in the end of every kersie which he shall hereafter weave

The weight and length of rudge-wash kersie.

4 Jac. 1. c. 2.

The forfeiture of the offender.

The weavers duty in weaving of dozens.

A weaver's shop-mark.

or make, and shall also at each end of every the same kerfies ^{A purrel at} weave one purrel likewise of coloured yarn, of the breadth of ^{each end.} three quarters of any inch at the least, whereby the deceitful cutting and diminishing of such clothes by tuckers or fullers heretofore used, may henceforth be prevented: (2) and if any weaver shall use any deceit in mingling his yarn, or shall omit his shop-mark, or shall not weave in every kerfie two purrels, according to the tenor of this act, he shall forfeit and lose for every offence to the contrary, ten shillings.

VI. And to the end that the weight and goodness of all the said kerfies called dozens, being raw, may be the better and more certainly known, it may further be enacted, That no weaver, nor any other person whatsoever, shall offer or put to sale any of the same raw kerfies, called dozens, before the same have been viewed, weighed and marked in some city, town corporate or market-town, and allowed by such officer, and marked with such marks as shall be there in such city or town used and appointed for that purpose; (2) upon pain to forfeit and lose for every cloth sold or offered to be sold to the contrary, ten shillings: (3) the one half of all which forfeitures shall be to the use of your Highness, your heirs and successors, and the other half to the principal officer or magistrate of the city, town corporate or market-town next adjoining to the dwelling or working place of such weavers as shall offend in any of the premises, if he the same officer or magistrate shall first make seizure thereof: (4) or else to the principal officer of that city, town corporate or market-town, where the same shall be sold, or offered to be sold; (5) to be recovered by action of debt, bill, plaint or information, with costs, in any court of record, wherein no protection, wager of law or essoin shall be allowed.

Dozens shall be viewed, weighed and marked.

VII. And for the better discovery of the offences aforesaid, and the more perfect accomplishing of the premises, it may be also enacted, That the principal officer or magistrate for the time being in every city, town corporate or market-town of the said county, or of any other of the counties adjoining, where any such kerfies called *Devonshire* kerfies or dozens now are or hereafter shall be woven, made, offered or put to sale, shall every year from henceforth appoint and have in readiness at all times needful, two or more discreet persons, which shall be special and known officers and searchers, (2) which shall attend, and shall be at his or their entry into his or their said office sworn, during his or their continuance in the said office truly to view, weigh and mark each kerfie called a dozen, in such city or town, or any of them made, sold or offered to be sold, or put to sale, and to present each offence or defect which shall there fall out contrary to the true meaning of this statute: (3) every which searcher or officer so to be hereafter appointed for this purpose in any such city, town corporate or market-town, shall by force of this act have power and authority to

Searchers of Devonshire kerfies, and their duties.

enter

enter in the day-time into all shops, ware-houses, work-houses, and other places convenient of the same city or town where he or they shall be so appointed, there to view, search and see whether any kerse or dozen be made, sold or offered to be sold, contrary to the true meaning of this act, and also to see what pains, penalties and forfeitures shall be grown due to her Majesty by any weaver, seller or buyer, within the liberties and precincts of the same town, taking only of and for the weighing and marking of every kerse, a farthing for his pains, and so according to the number, and no more; which farthing upon every kerse is to be paid by the seller of the same kerse.

What shall be forfeited, and by whom, if searchers be not appointed or not attendant.

VIII. And if such searchers and officers shall not be yearly appointed, and attendant at all times reasonable and convenient, or shall neglect his or their duties in the true search, weighing and marking of the said kerses or any of them, or shall mark any one kerse which wants of his weight as is aforesaid; That then, and in every such case, the chief magistrate of every such city and town shall forfeit and lose for every such offence of their searcher or searchers, twenty shillings; and for every market-day they shall want two, or one at the least of such searchers, the sum of forty shillings, to be levied as hereafter is expressed.

No dozen shall be bought or dressed before it be tried.

IX. And that it may further be enacted, That from and after the said first day of *July* no manner of person or persons whatsoever shall buy any such raw kerse called *Devonshire* kerse or dozen, in any market or elsewhere, unless the same shall be first tried, weighed and marked by the officers of the same city, town corporate or market-town, as is aforesaid: (2) and that no weaver, tucker, fuller, or other whatsoever, shall dress or cause to be dressed, any of the said raw clothes called *Devonshire* kerses or dozens, unless the same be first tried, weighed and marked in some one market-town by the searcher or searchers there in that behalf appointed; (3) upon pain of forfeiture of every such kerse so bought dressed or put to dressing, which shall not before be tried and marked as is afore-mentioned.

The length of a dozen shall not be diminished.

X. And for the avoiding of deceit of tuckers or fullers, that it may also be enacted, That no clothier, tucker, fuller or other person whatsoever, shall at any time from henceforth cut or diminish the length of any kerse called a *Devonshire* kerse or dozen, and after offer or put the same to sale as a whole kerse or dozen, upon pain of forfeiture of twenty shillings for every of the same kerses or dozens so cut or diminished; (2) the one half of all and every which forfeitures, not before limited and appointed, shall be to our sovereign lady the Queen, and the other half to him or them that will sue for the same, by action debt, bill, plaint or information, in any court of record, wherein the plaintiff is to recover his costs: also wherein no protection, wager of law or essoin shall be allowed. (3) This act

The forfeitures and who shall have them.

act to endure till the end of the next parliament. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

C A P. XI.

An act for the bringing in clap-board from the parts beyond the seas, and the restraining of transporting of wine-casks, for the sparing and preserving of timber within the realm.

WHEREAS of late years timber is greatly decayed and consumed within this realm, the want thereof is greatly to be feared, and speedily to be provided for, and forasmuch as there is great occasion of spending and consuming thereof, by selling of great quantities of timber, and converting the same into cloven-board for the making of cask, which is usually transported out of the realm into the parts beyond the seas: (2) and forasmuch also as wine-cask brought into this realm, is very serviceable, as well for her Majesty's household and navy, in time of her Highness service, for victualling of her Highness ships, and also for victualling of merchants ships, and a great cause of sparing timber within this realm:

II. Be it therefore enacted by the Queen's most excellent majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, which shall after the feast of the nativity of St. John Baptist next ensuing, ship, carry or transport any beer into the parts beyond the seas, to be sold or exchanged for other merchandize, shall (if he be a stranger, then) before the same transporting, (if he be a subject born, then) either before the same transporting, or within four months after, bring or cause to be brought into this realm, from the parts beyond the seas, for every six tuns of beer, two hundred of clap-board fit for to make cask of, to contain in length three foot and two inches at the least, or else the same cask again, or so much other good and sweet cask in quantity, and the same to be entred at the custom-house without any colouring; (2) or if the same transporting shall be into the realm of Ireland, then to bring in, in manner and form as aforesaid, so much of the shaffold-board in quantity as the said clap-board amounteth unto.

A quantity of clap-board shall be brought into this realm for beer or fish transported.

Wine-cask shall not be transported but for certain purposes.

III. And also be it further enacted by the authority aforesaid, That no stranger born shall after the last day of June, which shall be in the year of our Lord one thousand five hundred ninety-four, ship, carry or transport beyond the seas, any pilchers or other fish in cask, unless the same person have before such shipping, brought or caused to be brought, into this realm, from the parts beyond the seas, for every six tuns of pilchers or other fish, according to the rate and manner aforesaid, of clap-board fit for cask, or else of cask as aforesaid; (2) upon pain of forfeiture of the said beer, pilchers and cask, that shall be shipped or laden to be transported into the parts beyond the seas.

IV. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons, after the only wine-said cask may be

448 Anno tricesimo quinto ELIZABETHÆ. C. 12,—14. [1593.
transported. said feast of St. John the baptist next ensuing, to transport or
3 Jac. 1. c. 11. carry any wine-cask out of this realm with any beer or beer-
eager, nor any wine-cask shaken, and sell the same beer or
beer-eager, or cask, except for the victualling of any ship or
portable vessel, or of any of her Majesty's garrisons and forces in
the parts beyond the seas; (2) upon pain of forfeiture of the
sum of forty shillings for every tun of cask so carried or trans-
ported.

V. Provided always, That this act, or any thing therein con-
tained, shall not extend to the transportation of any herrings
whatsoever in casks. (2) This act to continue to the end of the
next parliament. 3 Car. 1. c. 4. *Continued until the end of the
first session of the next parliament, and farther continued by 16 Car. 1.
cap. 4.*

CAP. XII.

A confirmation of two subsidies of four shillings in the pound, to be paid
in two years, granted to the Queen by the clergy. EXP.

CAP. XIII.

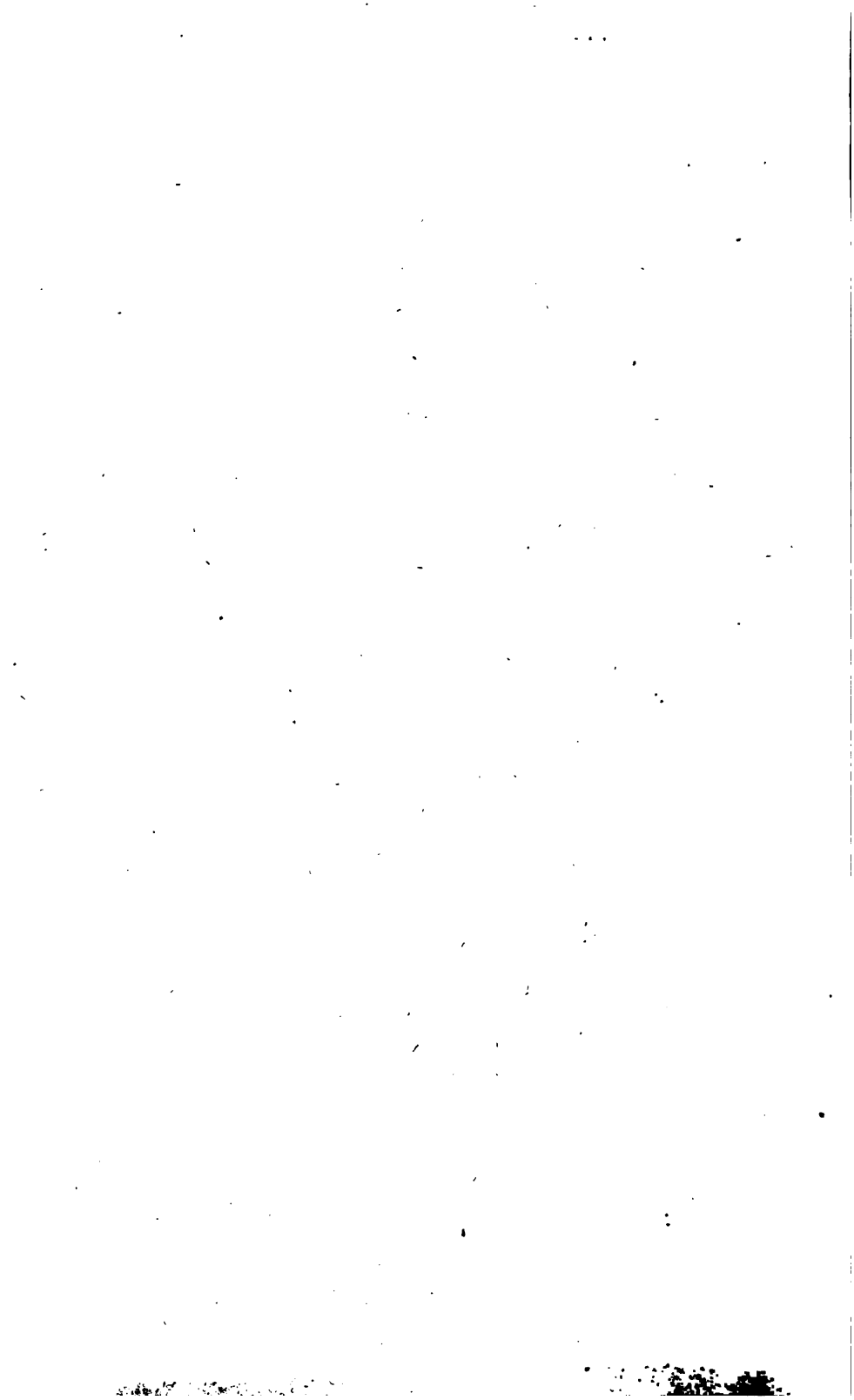
A confirmation of three subsidies and six fifteenths and tenths granted to
the Queen by the temporalty. EXP.

CAP. XIV.

A confirmation of the Queen's general and free pardon, except, &c. EXP.

The END of the Sixth VOLUME.





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